



CNR: KAHC010255772023

NC: 2026:KHC:52299
CRL.P No. 4403 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 4403 OF 2023

BETWEEN:

VENKATESH R
S/O RAMAIAH
AGED ABOUT 56 YEARS
R/AT KAMBALIPURA VILLAGE
SULIBELE HOBLI, HOSKOTE TALUK
BENGALURU RURAL DISTRICT - 562 114.

...PETITIONER

(BY SRI LOKESH D.K, ADV., FOR
SRI MUDUKAPPA KODABAL, ADV.)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY SULIBELE
POLICE STATION
NANDAGUDI CIRCLE
BENGALURU DISTRICT
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT B'LORE - 01.
2. THE TAHSILDAR
HOSKOTE TALUK
HOSKOTE - 562 114
BENGALURU RURAL DISTRICT.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FRO R-1 & R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE
FIR IN CR.NO.125/2022 REGISTERED BY SULIBELE POLICE STATION
NANDAGUDI CIRCLE, BENGALURU DISTRICT, FOR THE OFFENCE
P/U/S.192(A)(j) OF KLR ACT 1964 ON THE FILE OF PRINCIPAL CIVIL
JUDGE (Jr.Dn.) AND JMFC COURT, HOSKOTE BENGALURU RURAL
DISTRICT.



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THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused is before this Court in this petition filed under Section 482 of Cr.PC with a prayer to quash the entire proceedings in Crime No.125/2022 registered by Sulibele Police Station, Bengaluru District, for the offences punishable under Section 192(A)(3) of the Karnataka Land Revenue Act, 1964.
2. Heard the learned Counsel for the parties.
3. Learned Counsel for the petitioner submits that the requirement of the judgment in the case of **SMT. LALITHA SASTRY VS STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF PARLIAMENTARY AFFAIRS AND LEGISLATION & OTHERS - ILR 2008 KAR 4520**, has not been complied in the present case. Therefore, the impugned proceedings is liable to be quashed.
4. Learned HCGP who has opposed the petition, does not dispute the aforesaid submission made by the learned Counsel for the petitioner.



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5. The allegation against the petitioner is that he had encroached property bearing Sy. No.14 measuring 3 acres belonging to the Government, and therefore, FIR was registered against him for the aforesaid offences.

6. This Court in Lalitha Sastry's case supra, has laid down the procedure that is required to be followed prior to registration of FIR for the offence punishable under Section 192-A of the Karnataka Land Revenue Act, 1964. In paragraph no.4 of the said order, it is observed as under:

"4. From the aforesaid circular it is clear the Government is now convinced that an opportunity should be given to all those alleged encroachers of Government land before any proceedings are initiated under Section 192A of the Act. In fact it stipulates a procedure under which a show cause notice is to be given calling upon those alleged encroachers to file their objections within 15 days. If no objections are received authorities are called upon to visit the spot, conduct a Mahazar in the presence of the villagers, obtain their signatures and thereafter to initiate criminal proceedings if they are satisfied that there is encroachment. In the event of alleged encroachers producing documents to examine the same and only in the event of the said documents are found to be fabricated or duplicate, to initiate proceedings under



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Section 192A of the Act. In fact the said procedure contemplated by the Government satisfy the requirement of principles of natural justice, an opportunity is given to these persons to realise whether they have occupied a Government land and if they are convinced to surrender possession to avoid criminal prosecution. That would meet the ends of justice. In that view of the matter, as the criminal prosecution is launched against all these petitioners without affording an opportunity to have their say and in the light of the circular which is passed by the Government, these proceedings cannot be sustained."

7. It is not in dispute that the aforesaid procedure has not been followed in the present case before registration of FIR, and therefore, the impugned proceedings is liable to be quashed. Accordingly, the following order:

8. Petition is allowed. The entire proceedings in Crime No.125/2022 registered by Sulibele Police Station, Bengaluru District, for the offences punishable under Section 192(A)(3) of the Karnataka Land Revenue Act, 1964, is hereby quashed.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

KK