



CNR: KAHC010263492021

NC: 2026:KHC:47095  
CRL.P No. 5557 of 2021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI**

**CRIMINAL PETITION NO. 5557 OF 2021 (482(Cr.PC) /**  
**528(BNSS)-)**

**BETWEEN:**

1. SRI.MOHAMMED RIZWAN  
S/O MOHAMMED KALANDAR SAAB,  
AGED ABOUT 52 YEARS,  
R/AT NO 260, I MAIN ROAD,  
ALBERT VICTOR ROAD,  
CHAMARAJPET, BENGALURU 560018
2. SRI B RIYAZ PASHA  
S/O BASHA SAB,  
AGED ABOUT 47 YEARS,  
NO 19/1, 12TH CROSS,  
PADARAYANAPURA  
GOVT ELECTRIC FACTORY,  
BENGALURU 560026
3. SRI MEHABOOB SHARIFF  
S/O ALISAB,  
AGED ABOUT 31 YEARS,  
R/NO 69, 1ST FLOOR,  
3RD CROSS, KOUSAR NAGAR,  
R T NAGAR, BENGALURU 560032

Digitally  
signed by  
ANNAPURNA  
G  
Location: High  
Court of  
Karnataka



NC: 2026:KHC:47095  
CRL.P No. 5557 of 2021

CNR: KAHC010263492021

4. SRI DR VENKATESH K L  
S/O KESARLA LAKSHMAIAH SHETTY,  
AGED ABOUT 55 YEARS,  
R/AT NO AA40/1, BALAJI HOSPITAL,  
JJR NAGAR MAIN ROAD,  
K H RANGANATH COLONY,  
BENGALURU 560018
5. SRI MUKDUM SHAH  
S/O HAMEED,  
AGED ABOUT 49 YEARS,  
R/AT NO 99/1, 9TH CROSS,  
CHAMUNDINAGARA, DINNUR,  
BENGALURU 560032
6. SRI MOHAMMED SHAFFIYANA  
S/O MOHAMMED RIZWAN,  
AGED ABOUT 23 YEARS,  
R/AT NO 260, I MAIN ROAD,  
ALBERT VICTOR ROAD,  
CHAMARAJPET, BENGALURU 560018.

...PETITIONERS

(BY SRI. GADILINGAPPA G M.,ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY KADUGONDANAHALLI POLICE STATION  
(REPRESENTED BY LEARNED STATE PUBLIC  
PROSECUTOR) THE HIGH COURT BUILDING,  
BENGALURU 560001.
2. SRI VASIULLAH V M  
S/O AMANULLA V M,



CNR: KAHC010263492021

NC: 2026:KHC:47095  
CRL.P No. 5557 of 2021

AGED ABOUT 35 YEARS,  
R/AT NO 7/1, 3RD FLOOR,  
GODWON STREET, CITY MARKET,  
BENGALURU 560002.

...RESPONDENTS

(BY SRI. MOINUDDIN N. FOR SRI SIRAJUDDIN AHMED,  
ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S.482 CR.P.C BY THE ADVOCATE  
FOR THE PETITIONER PRAYING TO QUASH THE COMPLAINT  
AND FIR IN CR.NO.66/2021 PENDING ON THE FILE OF IV  
ADDL.C.M.M., BENGALURU, INITIATED BY THE 1ST  
RESPONDENT POLICE AGAINST THESE PETITIONERS HEREIN  
FOR THE ALLEGED OFFENCES P/U/S 465,468,471,420,406,506  
R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

### **ORAL ORDER**

Challenging FIR in Crime no.66/2021 for offences  
punishable under Sections 465, 468, 471, 420, 406, 506 read  
with Section 34 of Indian Penal Code, 1860 (**IPC**), presently  
stated to be pending on file of IV ACMM, Bengaluru, this  
petition is filed.



**NC: 2026:KHC:47095**  
**CRL.P No. 5557 of 2021**

2. Sri Gadilingappa G.M., learned counsel for petitioners submitted that petitioners were arraigned as accused no.1 and 3 to 7 in a complaint dated 03.03.2021 filed by respondent no.2 stating that complainant was owner of property bearing no.PID 47-98-7/1 and no.PID 47-98-6/1. In year 2014, he had entered into an agreement with a contractor by name Rizwan. As per agreement, Rizwan had agreed to construct ground floor of building free of cost in favour of complainant for which he had to give up rights insofar as first floor of building in favour of Rizwan. In pursuance of agreement, construction was completed on 16.09.2016. An agreement of sale in respect of first floor was executed in favour of accused no.5. At that time, however, said Rizwan approached complainant and claimed that transfer of only first floor would not adequately compensate him and sought another floor of building. Despite refusal, Rizwan insisted and in alternative sought for payment of Rs.16,00,000/-. On 29.11.2018, complainant was called to appear before Sub-Registrar Office at Kacharakanahalli for registration of sale deed in favour of accused no.5. Though complainant waited at Sub-



**CNR: KAHC010263492021**

Registrar Office, accused no.5 did not arrive. On 06.12.2018, revised date for registration, when complainant went to Sub-Registrar's Office, he saw several others along with Rizwan, namely, Irfan Pasha, Riyaz Pasha, Mehaboob Shariff, Maqдумsha, Shafiyan, Aslam etc., which caused alarm. But, in good faith, he went ahead with registration of sale deed in respect of first floor in favour of accused no.5. But when copies of deeds were handed over on 20.12.2019, he noted that apart from sale deed for sale of first floor of building in favour of accused no.5, there were three other deeds got executed by forging his signature and thumb impression, alleging forgery with fraudulent intention to cheat complainant, action was sought.

3. Based on complaint, FIR in Crime no.66/2021 was registered by Kadugondana Halli Police Station for offences punishable under Sections 465, 468, 471, 420, 406, 506 read with Section 34 of IPC. Aggrieved by same, present petition was filed.

4. It was, firstly, submitted that petitioners no.1 to 3 and 5 were mere witnesses to deeds, while petitioner no.4



(accused no.5) was lawful purchaser of first floor. It was submitted that there were absolutely no overt acts alleged against petitioner no.6 and allegations in respect of others were vague and insufficient to arraign petitioners no.1 to 3 and 5 for offences alleged under Sections 465, 468, 471, 420, 406, 506 read with Section 34 of IPC.

5. It was further submitted that alleged incident occurred on 06.12.2018 and complaint filed on 03.03.2021. In addition, it was submitted that there was non-disclosure of earlier complaint filed on 13.01.2020 and issuance of NCR endorsement by Silver Jubilee Park Police Station. It was further contended that allegations of forgery of signature and thumb impression that too in office of Sub-Registrar would be too farfetched and indicative of abuse of process and sought for quashing.

6. On other hand, Sri Mahesha P., learned HCGP for respondent-State would oppose petition.

7. It was submitted that there were serious allegations of forgery of complainant's signature and thumb impression at



time of registration of document and whether petitioners were in any manner involved in commission of offences would be a matter for investigation/trial and it would not be appropriate to quash proceedings at this stage. It was also submitted that alleged forged deeds were sent to Forensic Science Laboratory (**FSL**) for testing and results were awaited. Therefore, at this stage it was not appropriate for quashing of proceedings.

8. Sri Moinuddin N., learned counsel appearing for Sri Sirajuddin Ahmed, Advocate for respondent no.2-complainant would also oppose petition. Taking support of submission of learned HCGP for respondent-State about forwardal of admitted deed and forged deeds for testing to FSL, it was submitted that Hon'ble Supreme Court in case of **Sharla Bazliel v. Baldev Thakur and Others** reported in [**2026 INSC 252**], Hon'ble Supreme Court had set aside a quashing order passed by High Court under similar circumstances, by observing that allegation of forgery and fraud were matters for investigation and when document was sent by Investigating Officer for analysis by FSL, it was inappropriate on part of High Court to quash proceedings without awaiting report. It was



**CNR: KAHC010263492021**

submitted that said observation/reasoning would apply on all squares to present case and sought for dismissal of petition.

9. Heard learned counsel and perused material on record.

10. Main grounds urged in this quashing petition are that petitioners are not involved in commission of offences of fraud and forgery, allegations of fraud and forgery in office of Sub-Registrar, would be too hard to believe and absence of specific overt acts against each of petitioners. It is also contended that complaint in question was successive and abuse of process.

11. A perusal of sale deed executed on 06.12.2018 would indeed indicate that petitioners no.1 to 3 and 5 were witnesses. Likewise, petitioner no.4 was purchaser of first floor and petitioner no.6 is not signatory. However, there is allegation about forging signature and thumb impression of complainant. Specific allegations in complaint are, as per agreement with Rizwan, complainant was required to execute sale deed in favour of a person nominated by Rizwan insofar as



CNR: KAHC010263492021

first floor of building is concerned, and therefore, when they went to Sub-Registrar Office for registration of sale deed in respect of first floor, using thumb impression obtained for said deed, three other deeds were got registered by forging his signature/thumb impression.

12. Whether signatures of complainant on other three deeds are forged or otherwise and whether incident of forgery/fraud was committed would be a matter for investigation only after receipt of FSL report. As per investigation records made available for perusal by learned HCGP, alleged forged deeds as well as admitted deeds seen to have been sent for FSL for testing about forgery.

13. As held by Hon'ble Supreme Court in ***Sharla Bazliel's*** case, it would not be appropriate to entertain quashing petition before receipt of FSL report. Hence, reserving liberty to petitioners to urge all contentions at later stage, in case, investigation is completed and chargesheet is filed against them, Petition stands ***dismissed***.



CNR: KAHC010263492021

**NC: 2026:KHC:47095**  
**CRL.P No. 5557 of 2021**

14. In view of dismissal of petition, pending application  
is dismissed as unnecessary.

**Sd/-**  
**(RAVI V HOSMANI)**  
**JUDGE**

HNM  
List No.: 1 Sl No.: 8