



CNR: KAHC010275122019

NC: 2026:KHC:38019
CRL.P No. 6580 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 6580 OF 2019

BETWEEN:

1. C.M. YALLAPPA
AGED ABOUT 69 YEARS,
S/O LATE C.Y. MUNIYAPPA,
2. PAPAMMA
AGED ABOUT 56 YEARS,
W/O C.M. YELLAPPA,
3. C.Y. MURUGESH
AGED ABOUT 37 YEARS,
S/O C.M. YELLAPPA,
4. T. GEETHA
AGED ABOUT 32 YEARS,
W/O C.M. MURUGESH,
5. C.Y. VIJAYALAKSHMI
AGED ABOUT 34 YEARS,
D/O C.M. YELLAPPA,
6. C.Y. YALLAMMA
AGED ABOUT 32 YEARS,
D/O C.M. YELLAPPA,

Digitally signed
by
SHARADAVANI B
Location: High
Court of
Karnataka

PETITIONER NO.1 TO 6 ARE ALL



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RESIDING AT CHAMBENAHALLI VILLAGE
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT.

...PETITIONERS

(BY SRI. SRIDHAR G, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SARJAPURA POLICE STATION,
BANGALORE DISTRICT -562 125,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.
2. A BASAVARAJ
AGED ABOUT 62 YEARS,
RESIDING AT NO.366,
1ST CROSS ROAD, 3RD BLOCK,
OPP TO KUDREMUH QUARTERS,
KORAMANGALA, BENGALURU - 560 034.

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1;
SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH THE FIR AGAINST THE PETITIONERS IN
CR.NO.112/2019 (ANNEXURE-A) REGISTERED BEFORE
SARJAPURA P.S., BENGALURU RURAL FOR THE OFFENCE P/U/S
420 AND 149 OF IPC NOW PENDING BEFORE PRL.CIVIL JUDGE
(SR.DN) AND CJM COURT, ANEKAL, BENGALURU RURAL IN FIR
IN CR.NO.112/2019, REGISTERED BY THE 1ST RESPONDENT
AGAINST THE PETITIONERS.



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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 registration of FIR in Crime no.112/2019 registered by Sarjapura Police Station for offence punishable under Section 420 read with Section 149 of I.P.C. and presently stated to be pending on file of Prl. Civil Judge (Sr.Dn.) and CJM Court, Anekal, Bengaluru Rural, this petition is filed.

2. Sri G. Sridhar, learned counsel for petitioners submitted that petitioners were arraigned as accused no.1 to 6 in a complaint filed by respondent no.2 at Annexure-B. In complaint, it was alleged that complainant, General Manager of Sapphire Infrastructure Development Pvt. Ltd., had entered into an agreement of sale on 18.02.2010 with Sri C.M.Yellappa and his family members for purchase of 0.28½ guntas of land in Sy.no.137 of Chembenahalli village, Sarjapura Hobli, Anekal taluk, for total consideration of Rs.24,22,500/- and in fact, paid more than agreed sum at Rs.27,75,000/-. However, it was later learnt by complainant that sellers had entered into a Joint



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Development Agreement (**JDA**) with a Partnership firm namely M/s.NVT Quality Lifestyle Estate LLP, Bangalore and received a sum of Rs.5,00,000/- on 22.03.2019. Said agreement was executed during operation of an order of temporary injunction passed by Civil Court. Thus, execution of agreement was with intention to cheat complainant company. Therefore, sought for taking action.

3. It was submitted that based on same FIR in Crime no.112/2019 at Annexure-A was registered by Sarjapur police station. Assailing same, it was submitted that even as per complaint, dispute between complainant and accused was purely civil in nature and complainant had in fact filed O.S.no.761/2019 before Prl. Civil Judge, Anekal, for decree of specific performance, permanent injunction etc., against accused herein. It was submitted dispute between parties being civil in nature and respondent having availed civil remedy, continuation of above proceedings would amount to abuse of process as it was apparent that same was only with a view to exert pressure.



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4. Yet another contention was urged by learned counsel was that agreement of sale dated 18.02.2010 was executed in favour of an individual by name Sri D.Kupendra Reddy and not with complainant company and therefore, claim of cause of action by complainant company would not be justified. Relying upon decision of Hon'ble Supreme Court in case of ***Rajib Ranjan and Others v. R.Vijaykumar*** reported in ***(2015)1 SCC 513***, learned counsel sought for quashing of proceedings.

5. On other hand, Smt.Sowmya R., learned High Court Government Pleader for respondent no.1 - State opposed petition. Likewise Sri B.C.Seetharama Rao, learned counsel for respondent no.2 - complainant appearing through video conference opposed petition.

6. It was submitted that execution of agreement of sale on 18.02.2010 by petitioners herein after receipt of entire sale consideration was not disputed. Thus, execution of subsequent JDA by specifically stating that there were no prior agreement of sale etc., executed by petitioners herein despite having knowledge of earlier agreement of sale executed in



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favour of complainant-Company would apparently be an attempt of cheating.

7. In view of above, ingredients of cheating having been made out, it was submitted that there was no bar against recourse to civil as well as criminal remedies. Therefore, there was no merit in challenge and sought for dismissal.

8. Heard learned counsel. Perused material on record.

9. This petition is by accused challenging registration of FIR on a complaint by respondent - complainant for offences punishable under Section 420 read with Section 149 of IPC mainly on ground that dispute was civil in nature. A bare perusal of complaint at Annexure-B reveals that grievance of complainant is about petitioners entering into a JDA with one M/s.NVT Quality Lifestyle Estate LLP, Bangalore, a Partnership Firm on 22.03.2019 after execution of an agreement of sale on 18.02.2010 in favour of complainant in respect of very same land. Thus, claim of complainant is based on a prior agreement of sale. Proper course would normally be to file suit for specific performance. In fact, as per Annexure-G, copy of plaint,



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complainant is stated to have indeed filed suit. Hon'ble Supreme Court in case of ***Paramjeet Batra v. State of Uttarakhand & Others*** reported in ***(2013)11 SCC 673*** at para 12 has held -

"12. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the Court."

10. Said ratio would squarely apply to instant case. Dispute between parties being civil nature and civil remedy having been availed by complainant, initiation of criminal proceedings is apparently only to exert pressure and would amount to abuse of process.

11. Hence, Petition is ***allowed***, proceedings against petitioners in Crime no.112/2019 registered by Sarjapura Police Station for offences punishable under Section 420 read with Section 149 of I.P.C. pending on file of Prl. Civil Judge (Sr.Dn.)



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and CJM Court, Anekal, Bengaluru Rural, stand quashed.
Consequently, pending I.As. are dismissed as unnecessary.

Sd/-
(RAVI V HOSMANI)
JUDGE

HNM
List No.: 1 Sl No.: 2