



CNR: KAHC010318352026

NC: 2026:KHC:48426
CRL.P No. 6813 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 6813 OF 2026

BETWEEN:

THE STATE OF KARNATAKA,
BY HAL POLICE STATION,
BENGALURU CITY,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU -560 001

...PETITIONER

(BY SRI M V ANOOP KUMAR, ADDL. SPP)

AND:

S. ANTHONY RAJ JAYAKUMAR,
AGED ABOUT 52 YEARS,
RESIDING AT NO.11,1ST FLOOR,
13TH CROSS, 1ST MAIN ROAD,
VIGNAN NAGAR, BENGALURU-560075.

...RESPONDENT

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER-STATE PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE IMPUGNED ORDER DATED 02.02.2026 PASSED IN CRL.RP.NO.25077/2025 ON THE COURT OF THE XXVII ADDL.CITY CIVIL AND SESSIONS JUDGE CCH-29 MAYO HALL BENGALURU AND ALLOW THIS PETITION AND DISMISS THE APPLICATION FILED BY THE ACCUSED NO.1/ RESPONDENT SEEKING DISCHARGE UNDER SEC.239 OF CR.PC FILED BEFORE THE TRIAL COURT BY ALLOWING THIS CRL.P.



THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Learned Additional State Public Prosecutor for the petitioner would submit that the petition is filed to quash the order dated 02.02.2026 passed in Criminal Revision Petition No.25077/2025 before the Sessions Judge (CCH-29) Mayo Hall, Bengaluru, discharging the accused No.1 for the offences punishable under Sections 420, 506 and 120B read with Section 34 of Indian Penal Code, 1860 ('IPC').

2. Learned Additional State Public Prosecutor would submit that the police complaint is filed against the respondent and the same is registered in Crime No.492/2019 before the HAL police station.

3. The offences alleged are under Sections 419, 420, 465, 468, 506, 120B read with Section 34 of IPC.

4. The police after investigation have filed the charge sheet and the case is now numbered as C.C. No.54971/2020 before the Trial Court.



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5. The accused filed an application for discharge on the ground that he is a purchaser of property and there is a decree for injunction in his favour and the suit filed by the complainant is dismissed, as such, no case is made out to prosecute the accused. The Trial Court rejected the said application. However, aggrieved by the said order, the accused filed a revision petition before the Sessions Court. In terms of the said order, the Sessions Court has allowed the revision petition and discharged the accused No.1.

6. Learned Additional State Public Prosecutor for the petitioner would submit that the Revisional Court could not have allowed the petition and could not have discharged the accused No.1 as the contentions raised require trial. It is the submission that no title deed is produced by the accused to establish his title or the property. The accused No.1 has illegally occupied the property of the complainant as such, the complainant is justified in lodging the complaint. It is further submitted that the alleged gift deed in favour of the vendor of the accused is also concocted gift deed and based on that, the accused does not get any title over the property.



7. The Court has considered the contentions raised at the Bar and perused the records.

8. From the impugned order, it is noticed that O.S. No.7737/2019 is filed by the accused No.1 and said suit is decreed granting injunction against the complainant/defendant. This fact is not in dispute.

9. It is also noticed that one more suit is filed by the complainant in O.S. No.6625/2021 and the said suit is dismissed by rejecting the plaint. The said suit is for declaration and possession. It is stated that the appeal is pending before this Court in R.F.A. No.1912/2022.

10. The Court is of the view that the accused has a protection in the form of a decree for injunction in respect of the property in question. The title over the property is not yet decided and the matter is pending before this Court on the aforementioned R.F.A. No.1912/2022.

11. Under these circumstances, *prima facie* no case is made out to prosecute the accused for the criminal offences at this stage. Hence, the petition is ***dismissed***.



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12. However, it is made clear that this Court has not declared the title of the accused and has not rendered any finding relating to the merits of the civil case which is pending.

13. In case the alleged cheating is established from the judgment to be rendered by the competent Civil Court or where the appeal is pending, it is always open to the complainant or the respondent-State to take such legal action, as advised in law.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 26