



CNR: KAHC010325162024

NC: 2026:KHC:52374
CRL.P No. 7120 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7120 OF 2024

BETWEEN:

1. SMT NALINI T.V
W/O NARAYANA M
AGED 73 YEARS,
2. MR NARAYANAN M
S/O N MANICKAM
AGED 71 YEARS,
BOTH RESIDENT OF
R/AT NO.57, VIGNESH,
1ST CROSS, MICO LAYOUT,
MAHALAKSHMIPURAM
BANGALORE-560 086

...PETITIONERS

(BY SRI. RAVI KUMAR M BHANDARE, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SUBRAMANYA NAGAR
POLICE STATION
DR RAJKUMAR ROAD,
BANGALORE-560010
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE-01
2. MISS ROHINI
AGED 60 YEARS
NO.195, RAGHAVENDRA NILAYA,
17TH A CROSS, 13TH BLOCK,



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4TH STAGE, WOC ROAD
BANGALORE CITY-560 079

...RESPONDENTS

(BY SRI. RAJADITHYA SADASHIVAN, ADVOCATE FOR R2
SRI. MAHESHA P, HCGP FOR R1 & R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR FILED IN CR.NO.277/2023 REGISTERED BEFORE SUBRAMANYANAGAR P.S., DR.RAJKUMAR ROAD FOR THE OFFENCE P/U/S 120B, 420, 193, 197, 504, 506 R/W SECTION 34 OF IPC PENDING BEFORE 39TH A.C.M.M BENGALURU VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 and 2 in Crime No.277/2023, registered by Subramanyanagar Police, for the offences punishable under Sections 120B, 420, 193, 197, 504 and 506 read with Section 34 of IPC, pending on the file of XXXIX Addl. Chief Metropolitan Magistrate, Bengaluru.

2. The brief facts of the case are, respondent No.2 lodged the complaint before respondent No.1-Police on 26.12.2023 alleging that she and petitioner No.1 are siblings and their father - T.D. Vasudevan got allotted a property, i.e.,



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site No.35 situated at Rajajinagar, Bengaluru from CITB (subsequently renamed as 'BDA'). Thereafter, till the death of her father on 27.09.1964, he was put in possession of the same. On 24.08.1981, the BDA executed the Sale Deed of the said site in the name of Smt. Janakamma i.e., mother of petitioner No.1 and respondent No.2. Ever since then, she was put in possession of the same till her death. Except petitioner No.1 and respondent No.2, all other siblings died issue less. As such, after the demise of their mother, the property has to be devolved to petitioner as well as respondent No.2. However, the petitioners, without the knowledge of respondent No.2, changed the revenue documents more particularly khata, in her name by filing false affidavit before the BBMP Authority. Based on the said complaint, respondent No.1-Police registered FIR against the petitioners in Crime No.277/2023 for the aforementioned offences. Aggrieved by the same, the petitioners are before this Court.

3. Heard the learned counsel for the petitioners. Though notice was issued to respondent No.2, the same was returned with an endorsement that no such person was residing in the address shown in the complaint and FIR.



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4. The primary contention of learned counsel for the petitioners is that, after execution of Sale Deed in the name of mother of petitioner No.1 and respondent No.2 - Janakamma, the said Janakamma executed a Gift Deed of the said property in favor of petitioner No.1 on 12.09.2003. On the strength of the said Gift Deed, the petitioners mutated all the revenue records in the name of petitioner No.1. As such, the petitioners have not committed offences under Sections 120B, 420, 193, 197, 504 and 506 of IPC. Accordingly, he prays to allow the petition.

5. The prayer of the petitioners is opposed by the learned HCGP on the ground that the investigation is still in progress and yet the Police have to investigate the case to ascertain the genuineness of the complaint averments and also to verify the contents of the affidavit filed before the BBMP. Accordingly, he prays to dismiss the petition.

6. I have given my anxious consideration both on the submission and the documents made available before this Court.



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7. As could be gathered from records, the complaint averments depicts that the property bearing Site No.35 was initially allotted to the father of petitioner No.1 and respondent No.2 in the year 1958 by the CITB and after the death of their father, a Sale Deed was executed in the name of mother of petitioner No.1 and respondent No.2. According to the learned counsel for the petitioners, since respondent No.2 was absconding for a period of 20 years prior to filing of this FIR, Smt. Janakamma executed a Gift Deed of the subject property in favour of petitioner No.1 and to that effect, he placed the Gift Deed dated 12.09.2003 on record. On the strength of the said Gift Deed, after the death of Smt. Janakamma, the BBMP authority mutated the revenue entries in the name of petitioner No.1 in respect of the subject property. The assertion in the complaint that the petitioners fraudulently got changed the khata of the subject property in their names does not hold much water for the reason that the BBMP authority affected the khata in the name of petitioner No.1 only on the strength of registered Gift Deed, that too after the death of mother of petitioner No.1 and respondent No.2.



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8. As rightly contented by the learned counsel for the petitioners, in the aforesaid circumstances, the ingredients of Sections 120B, 420, 193 and 197 of IPC do not attract against the petitioners. Since there is no fraudulent act of filing false affidavit/evidence before the BBMP Authority and even admitting the complainant's averments for the sake of arguments, the offence under Sections 193 and 197 of IPC do not attract against the petitioners for the simple reason that, on commission of such offences, the BBMP authority has to lodge a complaint before the concerned authority or initiate necessary action. In such circumstance, based on the complaint of respondent No.2, the offence under Sections 193 and 197 cannot be invoked against the petitioners. Such being the position, continuation of criminal proceedings against the petitioners is nothing but the abuse of process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.1 and 2 in Crime No.277/2023 registered by Subramanyanagar Police, for the offences punishable under



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Sections 120B, 420, 193, 197, 504 and 506
read with Section 34 of IPC, pending on the
file of XXXIX Addl. Chief Metropolitan
Magistrate, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 6