



CNR: KAHC010326772023

NC: 2026:KHC:53106
CRL.P No. 7187 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 7187 OF 2023

BETWEEN:

SRI MAHENDRA B.A
S/O B.S. APPANNA
AGED 42 YEARS
R/AT 41-44/41
6TH MAIN, 3RD CROSS
KATHRIGUPPE MAIN
BANASHANKARI 3RD STAGE
BENGALURU - 560 085.

...PETITIONER

(BY SRI NAIK N.R, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY ITS STATION HOUSE OFFICER
BUDIKOTE POLICE STATION
KAMASAMUDRAM CIRCLE
BUDIKOTE - 561 301
K.G.F, REPTD. BY ITS SPP
HIGH COURT OF KARNATAKA
BANGALORE - 01.
2. SRI MUNIBEERAPPA
S/O LATE CHIKKA KOTALAPPA
AGED ABOUT 65 YEARS
RESIDENT OF MARANDAHALLI
VILLAGE, BANGARPET TALUK
K.G.F. - 561 301.

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE
THE PRIVATE COMPLAINT PRESENTED BY THE 2nd RESPONDENT
WHICH IS REGISTERED IN PCR NO.275/2022 BY THE TRIAL COURT

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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FOR THE OFFENCE P/U/S 420,423,465,468,506 OF IPC ON THE FILE OF THE PRL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT AT BANGARPET.

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 no.3 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.18/2023 registered by Budikote Police Station, K.G.F., for the offences punishable under Sections 420, 423, 465, 468, 506 IPC, arising out of PCR.No.275/2022 pending before the Court of Prl. Civil Judge & JMFC, Bangarpet.
2. Heard the learned Counsel for the parties.
3. Learned Counsel for the petitioner submits that petitioner is a bona fide purchaser of the land in question under a registered sale deed dated 23.08.2021 from the beneficiary of the registered gift deed which is now alleged to be a fraudulent document. Prior to the filing of the present criminal case, respondent no.2 had already initiated a civil suit in O.S.No.80/2022 before the jurisdictional Civil Court at



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Bangarpet, seeking cancellation of the registered gift deed dated 05.08.2019. He, accordingly prays to allow the petition.

4. Per contra, learned HCGP has opposed the petition.

5. A reading of the private complaint filed by respondent no.2 would go to show that he claims to be the grandson of one Muniswamy S/o Ankanna who allegedly had purchased the land in question under a registered sale deed dated 31.08.1942 from one Venkataramanappa to whom the said land was granted on 30.08.1941. It is alleged that after the death of Muniswamy S/o Ankanna, the revenue records of the land continued in his name and it was not transferred in the name of his son or in the name of respondent no.2 who is his grandson. Taking advantage of the same, a fraudulent gift deed was executed by accused no.1 impersonating Muniswamy @ Ankanna in favour of accused no.2 Umesh.B.P. on 05.08.2019.

6. The records would reveal that gift deed dated 05.08.2019 which is now alleged to be a fraudulent document was registered and subsequently based on the said document, the revenue records were transferred in the name of Umesh.B.P.



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who is the beneficiary of the said gift deed. Petitioner has purchased the land which is the subject matter of the aforesaid gift deed under a registered sale deed dated 23.08.2021 for a valid sale consideration of Rs.24,65,000/-.

7. There is no such allegation in the private complaint that the petitioner had colluded with the other accused persons for the purpose of creating fraudulent gift deed dated 05.08.2019 on the strength of which accused no.2 - Umesh.B.P. had executed the registered sale deed dated 23.08.2021 in favour of the petitioner.

8. Learned Counsel for the petitioner has also brought to the notice of this Court that respondent no.2 herein has already initiated a suit in O.S.No.80/2022 before the jurisdictional Civil Court at Bangarpet, seeking the relief of cancellation of the aforesaid registered gift deed dated 05.08.2019. Under the circumstances, I am of the opinion that continuation of impugned proceedings in so far as the petitioner is concerned would amount to abuse of process of law, and for the purpose of securing the ends of justice, it is necessary to quash the



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impugned proceedings against him. Accordingly, the following order:

9. Petition is allowed. The entire proceedings in Crime No.18/2023 registered by Budikote Police Station, K.G.F., for the offences punishable under Sections 420, 423, 465, 468, 506 IPC, arising out of PCR.No.275/2022 pending before the Court of Pri. Civil Judge & JMFC, Bangarpet, is quashed as against the petitioner herein.

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

KK