



CNR: KAHC010331682021

NC: 2026:KHC:51926
WP No. 16578 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 16578 OF 2021 (GM-RES)

BETWEEN:

MR. G.A. MUNIRAJU
AGED ABOUT 48 YEARS,
S/O LATE ANNAIAHAPPA
OFFICE AT NO.4BC/409
1ST MAIN, KASTHURINAGAR
EAST NGEF, BDA LAYOUT
RAMAMURTHY NAGAR MAIN ROAD,
BANGALORE - 560 016.

...PETITIONER

(BY SRI. PRASANNA KUMAR C.S, ADVOCATE)

AND:

STATE OF KARNATAKA
BY AVALAHALLY PS,
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE - 01.

...RESPONDENT

(BY SRI. SURYA MUKUNDARAJ, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE FIR FILED BY THE RESPONDENT BEARING FIR NO.0225/2021 DATED 24.08.2021 NAMELY ANNEXURE-A AND THE ORDER PASSED BY THE BANK FREEZING THE ACCOUNTS AT THE INSTANCE OF THE RESPONDENTS NAMELY ANNEXURE-E AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

Digitally
signed by
ANNAPURNA
G

Location:
High Court of
Karnataka





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CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Prasanna Kumar C. S., learned counsel for the petitioner and Sri.Surya Mukundaraj, learned Additional Public Prosecutor for the respondent.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayer:

Wherefore, the petitioner prays that this Hon'ble Court be pleased to

- i. Issue a writ or order, direction in the nature of a writ of certiorari quashing the FIR filed by the respondents bearing FIR No.225/2021 dated 24.08.2021 namely Annexure-A and the other passed by the bank freezing the accounts at the instance of the respondents namely Annexure-F and*
- ii. Pass such other order, direction which are necessary."*

3. Petitioner was proceeded for a alleged criminal action of encroachment of the land and due trial was held in CC No.1855/2009.



4. Learned Trial Judge after due trial, by considered judgment dated 29.02.2012, acquitted the accused of all the charges.

5. State did not choose to file any appeal against the said judgment of acquittal nor de-facto complainant filed any appeal.

6. When the matter stood thus, a Police Officer by name Venkataramappa being the Assistant Sub-Inspector of Avalahally Police Station, Hosakote Sub-dvision, lodged a complaint with Avalahally Police stating that when police were on patrolling duty, it is noticed that some people were standing in the land bearing Sy.Nos.8 to 11 of Avalahally village and when he enquired with the people who stood there, they told that present petitioner being the owner of N.S.Infra, has illegally trespassed into those lands and tried to encroach upon the said property, forming the unaturhoised layout.

7. It is also alleged in the said complaint that loan has been obtained on the said land by concocting the documents and therefore, sought for action.



8. Based on such compliant, Avalahally police registered a case in Crime No.225/2021 on 24.08.2021 for the offence punishable under Sections 419, 420, 447, 467, 468 and 471 of Indian Penal Code.

9. Registration of the case is called in question by the petitioner on the ground that action of the police would amount to double jeopardy and opposed to the provisions of Section 300 of Cr.P.C. and thus sought for quashing of the complaint.

10. Learned counsel for the petitioner would further contend that in the previous case also, offence alleged against the petitioner was under Sections 447 and 427 read with Section 34 of Indian Penal Code and in the second complaint, offence under Sections 419, 420, 447, 467, 468 and 471 of Indian Penal Code are invoked to file second complaint on the same cause of action for which the petitioner has been duly acquitted after full-fledged trial and thus sought for quashing the complaint.

11. He would also contend that land belongs to him and he has no doubt obtained the loan from Vasavi Credit Cooperative Society Limited and he is repaying the loan



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amount regularly and in that regard, he has filed a communication from said society marked at Annexure-C whereby it has been noted that petitioner is repaying the loan regularly without any default.

12. Learned counsel for the petitioner would argue that registration of the case itself has resulted in abuse of process of law.

13. Per contra, learned Additional Public Prosecutor for the respondent would contend that action that is now resulted in filing the FIR is a different action and incident has occurred in between 01.01.2018 to 24.08.2021 i.e., after the acquittal order came to be passed by the learned Trial Magistrate on 29.02.2012.

14. Thus, registration of the subsequent case with offence under Section 468, 420 and 471 is justified and sought for dismissal of the petition.

15. Having heard the arguments of both the parties, this Court noted that in the second complaint, complainant is none other than the Assistant Sub-Inspector of police.



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16. The complaint averments are as bald and as vague as anything inasmuch as when he was patrolling, he noticed some people standing in Sy.No.8 to 11 of Avalahally village and on enquiry, they told that there is an encroachment.

17. In other words, without getting any necessary information and also without collecting any material on record, a complaint came to be lodged ignoring the fact that in respect of the very same land, there was due trial in respect of the offence under Sections 447 and 427 of Indian Penal Code lodged by Krishnappa which ended in acquittal in CC No.1855/2009 by considered judgment dated 29.02.2012.

18. Thus this Court finds sufficient force in the arguments put forth on behalf of the petitioner that very registration of the case itself has resulted in abuse of process of law.

19. Hence, a case is made out to quash the same.

20. Accordingly, the following:

ORDER

i. Petition is ***allowed***.



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- ii. Proceedings in FIR in Crime No.225/2021 dated 24.08.2021 registered by Avalahally Police Station for the offence punishable under Sections 419, 420, 447, 467, 468 and 471 of Indian Penal Code is hereby quashed.

**Sd/-
(V SRISHANANDA)
JUDGE**

KAV
List No.: 1 Sl No.: 60