



CNR: KAHC010347352024

NC: 2026:KHC:49692
CRL.P No. 6199 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 6199 OF 2024

BETWEEN:

MR SYED ASHFAQ AHMED
@ ASHWAK AHAMED
AGED 53 YEARS,
SON OF SYED SHUJAUDDIN HASSAN,
PRESENTLY RESIDING AT
NO.1 AND 2, UZAIRA MANZIL,
4TH CROSS, JAMIA NAGAR,
ARABIC COLLEGE MAIN ROAD,
KADUGONDANAHALLI,
BENGALURU 560 045.

...PETITIONER

(BY SRI. REGO L P E., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY PULIKESHINAGAR POLICE STATION,
PULIKESHINAGAR,
BENGALURU 560 005
REPRESENTED HEREIN BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. MR. FAZAL AHMED
AGED ABOUT 57 YEARS,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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SON OF ABDUL AZEEZ
PRESENTLY RESIDING AT
NO.25 RATTAN SINGH ROD,
FRAZER TOWN,
BANGALORE 560 005.

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;
SMT.SUNITHA H.SINGH, ADVOCATE FOR R-2)

THIS CRL.P. IS FILED U/S 482 OF CR.P.C. PRAYING TO
QUASH THE CHARGE SHEET DATED 10.12.2021 FILED U/S
417, 420 BY THE PULIKESHINAGAR P.S., IN
C.C.NO.57703/2021, ON THE FILE OF HONBLE 10TH ACMM,
BENGALURU AS PER ANNEXURE-A, AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, 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 in C.C.No.57703/2021 arising out of
Crime No.265/2020 dated 11.11.2020, filed by the
Pulakeshinagar Police Station, Bengaluru City, against the
petitioner for the offences punishable under Sections 417 and
420 of IPC, pending on the file of XI ACMM Court, Bengaluru.



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2. The factual matrix of the case is that respondent No.2 lodged a complaint before respondent No.1-Police alleging that the petitioner was in possession of two passports and had forged certain documents in respect of the property bearing Sy.No.6, situated at Dispensary Road, Bengaluru, which belonged to respondent No.2. Based on the said complaint, respondent No.1-Police registered a case against the petitioner in Crime No.265/2020 dated 11.11.2020 for the offences punishable under Sections 417, 420, 465, 468 and 471 of the IPC and Section 12B of the Passports Act. Subsequently, respondent No.1-Police investigated the case and laid a charge sheet against the petitioner for the offences punishable under Sections 417 and 420 of the IPC. Accordingly, the learned Magistrate took cognizance of the said offences. Aggrieved by the same, the petitioner has filed this petition.

3. Heard the learned counsel for the petitioner and the learned HCGP. Though respondent No.2 served, remained unrepresented.

4. The primary contention of the learned counsel for the petitioner is that, as per the averments made in the complaint,



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respondent No.2 alleged that the petitioner was in possession of two passports and had forged certain documents. However, during the course of investigation, the respondent-Police found that the petitioner was neither in possession of two passports nor had forged any documents. Accordingly, in the charge sheet, the Police dropped the offences punishable under Sections 465, 468 and 471 of the IPC and Section 12B of the Passport Act. It is further contended that, in order to attract the ingredients of Sections 417 and 420 of the IPC, there are absolutely no documents or statements of witnesses forthcoming to establish that the petitioner had either induced or cheated respondent No.2. Accordingly, he prays to allow the petition.

5. *Per contra*, the learned HCGP opposed the prayer on the ground that respondent No.1-Police has now filed the charge sheet, and the statements of the material witnesses, namely, CWs.4 to 26, disclose that the petitioner has committed the offences punishable under Sections 417 and 420 of the IPC. Accordingly he prays to dismiss the petition.



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6. I have given my anxious consideration both on the submission and perused the materials available on record.

7. As could be gathered from records, the initial complaint filed by the complainant on 11.11.2020 reveals that the petitioner was allegedly in possession of two passports and had forged/concocted certain documents pertaining to the property bearing Sy.No.6, situated at Dispensary Road, Bengaluru. However, on careful examination of the entire charge sheet material, no such documents have been placed on record by respondent No.1-Police to substantiate the allegation that the petitioner had forged any documents pertaining to the said property and was possessed two different passports. Admittedly, in the charge sheet, the Police have stated that, upon perusal of the allegations and the statements of the witnesses, the offences punishable under Sections 465, 468 and 471 of the IPC are not made out against the petitioner. Further, the allegation with regard to the offence punishable under Section 12B of the Passport Act is also not made out and, accordingly, the said offences have been dropped. It is further stated by respondent No.1-Police that several other civil cases



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have been filed between the parties and that civil suits in O.S.Nos.506/2019, 508/2019, 509/2019 and 5187/2018 are also pending for consideration before the respective jurisdictional Trial Courts. In such circumstances, it could be presumed that the present proceedings have been initiated by respondent No.2 out of vengeance and as a retaliatory measure arising out of the civil dispute between the parties. In such circumstances, the Hon'ble Apex Court, in the case of **Mahmood Ali v. State of U.P.**, reported in **(2023) 15 SCC 488**, at paragraph Nos.11 to 14, held as under:

"11. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.



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13. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

14.State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)

“5. ... Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)



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(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."

(emphasis supplied)

8. On collocating the aforesaid findings of the Hon'ble Apex Court with the facts and circumstances of the present case, the principles laid down in the said judgment are squarely applicable to the facts of this case. It is evident from the material on record that respondent No.2 has lodged the complaint against the petitioner out of vengeance. Even if the entire allegations contained in the charge sheet are taken at



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their face value and accepted in their entirety, no offence is made out against the petitioner. The offences invoked in the charge sheet are, therefore, not made out against the petitioner. Thus, continuation of the criminal proceedings against the petitioner is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed***.
- ii. The proceedings in C.C.No.57703/2021 arising out of Crime No.265/2020 dated 11.11.2020, filed by the Pulakeshinagar Police Station, Bengaluru City, against the petitioner for the offences punishable under Sections 417 and 420 of IPC, pending on the file of XI ACMM Court, Bengaluru, is hereby quashed.

**SD/-
(RAJESH RAI K)
JUDGE**

GPG
List No.: 1 SI No.: 12