



CNR: KAHC010353252021

NC: 2026:KHC:43819
CRL.P No. 7492 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 17TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO.7492 OF 2021

BETWEEN:

SRI UMESH SHETTY
ADVOCATE,
AGED ABOUT 49 YEARS,
S/O LATE SANJEEVASHETTY,
KODIALBAIL BUILDING
BESIDES BISHOP HOUSE
KODIALBAIL
MANGALORE - 575 003.

...PETITIONER

(BY SRI RANJAN KUMAR K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MANGALURU NORTH PS
MANGALURU CITY
REP BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.
2. HARISH N PUTHRAN
S/O LATE N H SALIYAN,
AGED ABOUT 58 YEARS
R/AT PANCHAJANYA
TANDA BAILU VILLAGE
SURATHKAL, MANGALURU
DAKSHINA KANNADA - 574 154.

...RESPONDENTS

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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(BY SRI MAHESHS P., HCGP FOR R1;
SRI RAHUL KRISHNA REDDY P., ADVOCATE FOR
SRI SHETTY PREKSHNA BALAKRISHNA, ADV. FOR R2)

THIS CRL.P. IS FILED U/S.482 CR.P.C., PRAYING TO QUASH THE FIR IN CR.NO.23/2021 AND ENTIRE CRIMINAL PROCEEDINGS AGAINST THE PETITIONER IN PCR.NO.14/2021 PENDING ON THE FILE OF II ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MANGALURU CITY FOR THE OFFENCE P/U/S 417,418,419,420,465,467,468,471,474 AND 34 OF IPC.

THIS PETITION, COMING ON FOR *HEARING ON I.A.*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR in Crime no.23/2021 by Mangalore North Police Station in pursuance of directions of II Additional Senior Civil Judge and C.J.M., Mangalore in PCR no.14/2021 for offences punishable under Sections 417 to 420, 465, 467, 468, 471, 474 read with Section 34 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Ranjan Kumar K., learned counsel for petitioner submitted that petitioner was arraigned as accused no.5 in PCR no.14/2021 filed by respondent no.2 (complainant), wherein complainant alleged that in 2017-18 complainant intended to purchase agricultural land with his saving and borrowed money



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and make profit by selling it later. At that time, accused no.1 along with accused no.5 called complainant for negotiation. Accused no.1 had claimed that he was General Power of Attorney Holder in respect of extent of 614.57 cents of land comprised in various survey numbers in Hejamadi village, Kapu Hobli, Mulki Taluk, had conspired with accused no.5 to cheat complainant by receiving total of Rs.51,00,000/- as advance by way of cash and cheque and thereafter failing to either return money or alienate land in his favour. It was further alleged that even during duration of agreement they had by suppressing agreement with complainant got transferred said lands in name of accused no.1 himself.

3. Complainant further stated that he met accused no.5 during last week of June and introduced himself. Accused no.5 called complainant very next day for negotiation. At that time, accused no.1 was also present in office of accused no.5 and complainant was shown GPA executed by nine persons and subsequently took complainant to visit land. In subsequent negotiation, price of Rs.1,60,000/- was fixed per cent and advance money received. But hereafter, when complainant



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approached accused no.5 for survey of land and for registration etc., accused no.5 shooed him away by stating that he had not yet received certain documents from Tahsildar. Out of respect for his profession and due to engagement in work, he could not pursue with accused no.5 but followed up with accused no.1.

4. At that time, accused no.5 called complainant and informed him that as necessary documents could not be secured and complainant had failed to get lands transferred to his name, they had to re-negotiate agreement. On 27.03.2019, complainant went to office of accused no.5 with one Suvarna Ratnakar and signed agreement. When complainant insisted on timeline for survey fixation of boundaries etc. accused no.5 assured him that same would not be necessary and that he would get them done on his own. Thereafter, while complainant kept paying money, accused received same without keeping their promises. Later, when accused began teasing complainant and also threatened to kill him if he insisted for return of money, complainant contacted one of owners of land namely, Suvarna Ratnakar. When said owner told him that there was no GPA executed in favour of accused no.1, complainant realized that he



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was cheated. But when demanded return of money from accused no.1, in presence of accused no.5 and others, complainant was insulted and abused. With help of neighbours, he returned home.

5. Later in November, 2019, accused no.5 was requested to transfer atleast proportionate land, he assured to sort out issues within two-three months. In subsequent visit to office of accused no.5 in March, 2020 also, he did not get satisfactory response and accused no.5 claimed that complainant could not proceed against him in law. On similar response from accused no.1, complainant realized that accused had conspired to cheat him, he got issued legal notice. Accused no.1 replied to same, denying that he was GPA holder from owners of lands, about execution of agreement of sale and even about receipt of advance money. Alleging that by falsely claiming to be GPA holder from owners of lands inducing complainant to pay money and thereafter failing to return same and on other hand insulting and abusing complainant had committed offences, action was sought. Based on same, FIR in



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Crime no.23/2021 was registered by Mangalore North Police Station. Assailing same, present petition was filed.

6. It was submitted, there was no prima facie material against accused no.5, who was a lawyer and had interacted with complainant on basis of instructions/documents given to him by accused no.1 and by preparing agreement as per their instructions. Therefore, allegation of cheating and criminal conspiracy etc., was not justified and he was falsely implicated. Relying on decision of Hon'ble Supreme Court in **CBI, Hyderabad v. K. Narayana Rao** reported in **(2012) 9 SCC 512**, it was contended advocate cannot be prosecuted for an improper legal opinion except in case of tangible evidence of active collusion or conspiracy to defraud.

7. Further even as per complainant, consideration was received by accused no.1. It was submitted no specific allegation are made against accused no.5 for above said offences alleged. Further entire amount has been received by other accused and accused no.5 has not received any amount by complainant and no document has also been produced to



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show that accused no.5 was involved in alleged offence. On above grounds, sought for allowing petition.

8. On other hand, Sri Mahesha P., learned HCGP for respondent no.1 - State and Sri Rahul Krishna Reddy P., learned counsel appearing for Sri Shetty Preksha and Sri Balakrishna, advocate for respondent no.2 (complainant) opposed petition. It was submitted, complaint contend specific allegations of cheating based on forged document and contentions urged were in nature of defence not available for appreciation at this stage.

9. It was submitted, Hon'ble Supreme Court in **Sharla Bazliel v. Baldev Thakur and Ors. [2026 INSC 252]**, held that under Section 482 of CrPC, in case of forgery or fraud based on forged documents, High Court cannot quash FIR before receipt of handwriting expert's report on forgery. And even when allegations prima facie disclose serious offences, premature quashing at threshold inhibits legitimate prosecution. On said ground, sought for dismissal.

10. Heard learned counsel and perused material on record.



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11. This petition is by accused no.5 challenging registration of FIR for offences punishable under Sections 417 to 420, 465, 467, 468, 471, 474 read with Section 34 of IPC.

12. Main grounds of challenge are that accused no.5 is an advocate and has rendered professional service based on instructions and secondly on ground that there are no overt acts alleged against accused no.5 implicating him of offences as alleged.

13. A bare perusal of complaint reveals that there are specific allegations about accused no.5 being relative of accused no.1, about claiming before complainant that accused no.1 was GPA holder in respect of various lands, about participation in entire negotiation for sale transaction of lands, being present at time of payment of advance consideration, drafting agreement of sale assuring complainant to sort out issues as well as threatening, teasing and insulting complainant which are specific overt acts against accused no.5. Further, condition imposed by accused no.1 that he would negotiate transaction only through accused no.5 and stating that accused no.5 would be paid 20%



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of consideration would also prima facie indicate active involvement of accused no.5 and consequently, discounting ratio in **K Narayana Rao's** case. Especially so, when proceedings are in nascent stage. It is instead found appropriate to defer present grounds of challenge until after completion of investigation and filing of charge sheet, in case petitioner-accused no.5 is arraigned therein.

14. In view of above reasons, petition is devoid of merit and is ***dismissed***, but with liberty to petitioner to urge all contentions afresh in case after investigation, charge sheet is filed against petitioner also. It is also found appropriate to observe that Investigation Officer would be well advised to note that petitioner is a professional and would not hinder his profession during investigation and would complete it in accordance with law expeditiously.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD/YKL
List No.: 1 Sl No.: 15