



CNR: KAHC010373472019

NC: 2026:KHC:54337
CRL.P No. 3441 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.3441 OF 2019

BETWEEN:

1. SRI. VENKATACHALAM D
S/O LATE BALAGURUSWAMY
AGED ABOUT 51 YEARS
NO.57, 1ST BLOCK
2ND MAIN ROAD, BEL LAYOUT
VIDYARANYAPURA
BENGALURU-560 097

PETITIONER NO.1 WAS DIED
AMENDED VIDE ORDER DATED 12.08.2026

2. SHANKARALINGAM
S/O LATE BALAGURUSWAMY
AGED ABOUT 55 YEARS
NO.187, WEST LINK ROAD
NEAR HALLIMANE HOTEL
MALLESHWARAM
BENGALURU NORTH
BENGALURU-560 003.

...PETITIONERS

(BY SRI. K.S. MALLIKARJUNAIAH, ADVOCATE FOR
PETITIONER NO.2;
CRIMINAL PETITION ABATES AGAINST
PETITIONER NO.1 VIDE ORDER DATED 12.08.2026)

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. SRI. P. RENUKUMAR
S/O T. PUNNUSWAMY
AGED ABOUT 52 YEARS
R/AT NO.160, 3RD MAIN ROAD
R.H.C.S. LAYOUT
ANNAPURNESHWARI LAYOUT
BENGALURU-560 091.
2. STATE BY
THE POLICE SUB INSPECTOR
RAJAJINAGARA POLICE STATION
BENGALURU-560 010
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. A. HANUMANTHAPPA &
SRI. V. MAHESHA, ADVOCATES FOR R1 [ABSENT];
SRI. SUHAS GOWDA M., HCGP FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR IN CRIME NO.262/2018, DATED 27.12.2018 BEFORE THE 9TH A.C.M.M., BENGALURU, FILED BY THE RAJAJINAGAR POLICE, BENGALURU FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 506, 420 R/W SECTION 34 OF IPC AND ALL FURTHER INVESTIGATION IN THE SAID CASE AGAINST PETITIONERS.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH



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ORAL ORDER

Heard learned counsel for petitioner No.2 and learned High Court Government Pleader for respondent No.2.

2. The prayer sought in this petition is to quash the FIR in Crime No.262/2018 dated 27.12.2018 invoking the offence under Sections 504, 506 and 420 read with Section 34 of IPC and all further investigation in the said case.

3. The factual matrix of case of the complainant in the complaint is that these petitioners have cheated an amount of Rs.1,70,00,000/-. The allegation is that the accused persons cheated the complainant, even though a sale deed is obtained and shown the payment of Rs.1,70,00,000/- in respect of the property No.1694/33, PID No.23-31-33, Dr.Rajkumar Road, 80 feet Road, Prakashnagar, Rajajinagar 3rd Block, Bengaluru through accused Nos.1 and 2, namely Smt.Deepa and Chandrasekhar in a sum of Rs.1,20,00,000/- on 02.06.2012. The copy of the complaint and respondent No.2 seeking permission from the Court to transfer the case documents to 1st ACMM, Bengaluru are produced as Annexures-A, B and C. When such allegation is made, it is contented by the petitioners



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in the petition that a false case has been registered and the Investigating Officer, without verifying the veracity of the complaint filed by the complainant, a similar complaint was filed by the respondent No.1 in 2017 and respondent No.2 has already given a NCR No.189/2017 to respondent No.1. The respondent No.1 himself stated in his complaint dated 27.12.2018 that the complaint of the complainant is civil in nature and advised the respondent No.1 to claim his remedy before the appropriate forum, if he is having any right over such allegations by earlier endorsement. Now, without considering the same and conducting preliminary enquiry, registered the FIR and respondent No.2 proceeded with the investigation. The counsel also vehemently contend that when the payment was made and document of sale deed was executed, question of investigating the matter does not arise.

4. The counsel also in support of his argument has produced the bank statement for having made the payment on different dates in favour of the complainant i.e., on 26.05.2012 in a sum of 12,50,000/-, on 06.06.2012 in a sum of Rs.42,50,000/-, on 05.06.2012 in a sum of Rs.10,00,000/- and



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again on the same day, in a sum of Rs.10,00,000/-, on 24.08.2012 in a sum of Rs.33,00,000/- and on 04.09.2022, in a sum of Rs.12,00,000/-, in all, made the payment of Rs.1,20,00,000/- and to that effect, also issued receipt and even produced the copies of the Cheques before the Court and made the payment and if he has any grievance, he can seek relief before the appropriate authority. The counsel also would submit that when the earlier endorsement was given, the Investigating Officer ought not to have entertained the second complaint and the same is very clear that the dispute is civil in nature. Hence, it requires quashing of the same.

5. Learned High Court Government Pleader appearing for respondent No.2/State would submit that an allegation is made that though Cheques are issued in his name, cheated the complainant and they have not made the payment. Though, learned counsel for respondent No.1/complainant represented through counsel, the counsel is absent on the previous date of hearing and today also, he is absent.

6. Having heard learned counsel appearing for petitioner No.2 and learned High Court Government Pleader for



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respondent No.2/State and also considering the accusation made, admittedly sale deed was executed. But, amount shown in the sale deed is Rs.1,20,00,000/-. However, contention of the complainant is that cheated to the tune of Rs.1,70,00,000/- and learned counsel appearing for the petitioner No.2 produced the bank statement as well as copies of the Cheques and receipts issued by the complainant for having received the money. Though, learned counsel for the petitioner No.2 contend that earlier complaint was not entertained and NCR was issued, no such document is produced before the Court, except the bank statement and when already sale deed was executed, if the complaint has not made the payment in respect of the sale transaction is concerned, the complainant can have the civil remedy, if no sale consideration is passed in respect of the particular sale deed and he cannot give any criminal colour in respect of the civil dispute between the parties are concerned and documents are also placed before the Court for having received the amount and the receipts and Cheques issued are also in favour of the complainant and



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payments are also made to the tune of Rs.1,20,00,000/- which is mentioned as per the sale deed.

7. Having taken note of the factual aspects of the case, when there was a sale deed, there cannot be any criminal prosecution against the petitioner No.2, who is the purchaser, who had purchased the property by making payment and prima facie, no case is made out to proceed against the petitioner No.2, in view of payment made as submitted by learned counsel for petitioner No.2 and details of Cheques given are also produced before the Court and amounts are also transferred in the name of the complainant.

8. When such material is produced before the Court, if criminal prosecution is continued against petitioner No.2, who is the purchaser, it amounts to abuse of process and there cannot be any criminal prosecution. If any such payment is not made by the complainant, he can avail the remedy before the appropriate Court and not by way of criminal prosecution.

9. In view of the discussion made above, I pass the following:



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ORDER

- (i) The criminal petition is ***allowed.***
- (ii) The proceedings initiated against petitioner No.2, who is arraigned as accused No.4 in Crime No.262/2018 dated 27.12.2018 for the offence under Sections 504, 506 and 420 read with Section 34 of IPC, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 15