



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 8415 OF 2022

BETWEEN:

1. SRI. KRISHNAPPA B.
S/O LATE BYRAPPA
AGED ABOUT 62 YEARS,
R/AT BEGUR VILLAGE,
HOSKOTE TALUK
BENGALURU RURAL DISTRICT
BENGALURU - 562 122.
2. SRI. VENKATESH.D
S/O DODDAMUNISHAMAPPA
AGED ABOUT 48 YEARS,
R/AT NEAR DODDAMMA TEMPLE,
HOSKOTE TALUK, BEGUR POST,
BENGALURU RURAL DISTRICT,
BENGALURU - 562 122.
3. SRI. SRINIVAS.D
S/O DODDAMUNISHAMAPPA
AGED ABOUT 40 YEARS,
R/AT E-12/1, 10TH CROSS,
BAGALAGUNTE,
BENGALURU - 560 073.

...PETITIONERS

(BY SRI. DEEPAK M, ADVOCATE FOR
SRI. JAGANNATHA H.T, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
HOSKOTE POLICE STATION, HOSKOTE
REPRESENTED BY PUBLIC PROSECUTOR,

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka





HIGH COURT OF KARNATKA BUILDING,
BENGALURU - 560 001.

2. SMT. NEELAMMA
W/O B. KRISHNAPPA
AGED ABOUT 60 YEARS,
R/AT NO.185, BEGUR VILLAGE,
SULIBELE HOBLI, HOSKOTE TALUK,
BENGLAURU RURAL DISTRICT,
BENGALURU - 562 122.

REPRESENTED BY HER GPA HOLDER
SMT.NETHRA K
W/O MOHAN
AGED ABOUT 30 YEARS,
R/AT NO.185, BEGUR VILLAGE,
SULIBELE HOBLI, HOSKOTE TALUK,
BENGALURU RURAL DISTRICT
BENGALURU - 562 122.

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1;
SRI. R. SRINIVAS, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH ALL THE PROCEEDINGS IN CR.NO.283/2022 (ARISING
OUT OF PCR.NO.162/2022 PENDING BEFORE THE PRL. CIVIL
JUDGE AND JMFC, HOSAKOTE, BANGALORE RURAL)
REGISTERED IN THE HOSAKOTE POLICE STATION FOR THE
ALLEGED OFFENCE P/U/S 420, 120B, 34 OF IPC PENDING
BEFORE THE ADDL. CIVIL JUDGE (Jr.Dn) AND JMFC,
HOSAKOTE, BANGALORE RURAL DISTRICT WHICH IS MARKED
AS ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



ORAL ORDER

Challenging registration of Crime no.283/2022 in pursuance of direction by Prl. Civil Judge and JMFC, Hoskote, Bengaluru Rural in PCR. no.162/2022 for offences punishable under Sections 420 and 120B read with Section 34 of IPC, this Petition is filed.

2. Sri Deepak M., learned counsel appearing for petitioners submitted that petitioners were accused no.1 to 3 in PCRno.162/2022 filed by respondent no.2-complainant. In complaint, it was alleged that complainant-Neelamma was wife of accused no.1 and she was deaf and dumb. After one year of marriage, during which Nethra, a daughter was born, complainant and her husband began residing separately. It was further stated that complainant was owner of lands bearing Sy.no.10/1 and Sy.no.42 of Begur village, Sulibele Hobli, Hoskote taluk, Bengaluru Rural District.

3. On noticing that a gift deed was got registered on 07.04.2010 by accused no.1 from complainant, on pretext of taking loan, complainant had filed O.S.no.1168/2022 before IV



Additional Senior Civil Judge, Bengaluru Rural. In said suit, an order of temporary injunction against alienation was granted on 03.06.2022. However, in order to defeat rights of complainant-plaintiff, accused no.1 executed sale deeds on 06.06.2022 and 01.07.2022 in favour of accused no.2 and 3 who were his relatives. Alleging that same was with intention to cause wrongful loss to complainant in disobedience of order of temporary injunction granted by Civil Court which would be offences punishable under Sections 420 and 120B read with Section 34 of IPC, complaint was filed.

4. It was submitted that without proper application of mind, learned Magistrate directed investigation, based on which impugned FIR was registered. It was submitted that impugned proceeding not only suffered from enormous delay, but also dispute was purely civil in nature and suit having been filed by complainant only to exert pressure, complaint was filed and same would be abuse of process.

5. In support of his submission, learned counsel relied following decisions of Hon'ble Supreme Court-



- a. ***Kishan Singh (D) through L.Rs. v. Gurpal Singh & Others*** reported in ***(2010) 8 SCC 775***
- b. ***M/s.Thermax Ltd. & Ors. v. K.M.Johny & Ors.***, reported in ***(2011)13 SCC 412***;
- c. ***Bhikhubhai Govindbhai Patel & Anr. v. The State of Gujarat & Anr.***, reported in ***2026 INSC 532***; and
- d. ***Mukeem Ahmad & Anr. v. State of U.P. & Anr.*** reported in ***2023 INSC 506***.

6. It was submitted that Hon'ble Supreme Court in above decisions had held, unexplained delay would be fatal for criminal proceedings. It was submitted that complaint was filed in year 2022 making allegations of fraud in respect of a gift deed executed in year 2010, i.e., after twelve (12) years. It was further submitted that accused no.2 and 3 were purchasers and could not be prosecuted, even if title deed of their vendor was fraudulent. On above grounds, sought for quashing.

7. Learned High Court Government Pleader, on other hand opposed petition. It was submitted that as per averments in complaint, filing of suit for cancellation of gift deed executed by complainant in favour of her husband - accused no.1 in year



2010 appears to be admitted. However, grievance espoused in complaint was that though an interim order of temporary injunction was granted by Civil Court on 03.06.2022, to subvert same, accused no.1 had executed two sale deeds in favour of accused no.2 and 3 with intention to cause wrongful loss to complainant. It is also alleged that purchasers accused no.2 and 3 being relatives had conspired with accused no.1 and therefore, initiation of proceedings would be justified. It was submitted that alienation in favour of accused no.2 and 3 were on 06.06.2022 and 01.07.2022 and therefore, complaint filed on 21.07.2022 could not be treated as suffering from enormous delay, as sought to be alleged.

8. It was submitted that veracity of assertions in complaint would be matter for trial and could not be decided at stage of consideration of petition under Section 482 of Cr.P.C. On said ground, sought for dismissal of petition.

9. There is no appearance for respondent no.2.

10. Heard learned counsel. Perused material on record.



11. This Petition is by accused no.1 to 3 challenging registration of FIR in pursuance of direction by learned Magistrate in private complaint mainly on ground of delay in filing complaint and that dispute was purely civil in nature and complainant had availed civil remedies. Therefore, filing of private complaint was with an intention to exert pressure, which would be abuse of process.

12. Hon'ble Supreme Court in case of ***Kishan Singh*** (*supra*) has held -

"22. In cases where there is a delay in lodging a FIR, the Court has to look for a plausible explanation for such delay. In absence of such an explanation, the delay may be fatal. The reason for quashing such proceedings may not be merely that the allegations were an after thought or had given a coloured version of events. In such cases the **court should carefully examine the facts before it for the reason that a frustrated litigant who failed to succeed before the Civil Court may initiate criminal proceedings just to harass the other side with mala fide intentions or the ulterior motive of wreaking vengeance on the other party.** Chagrined and frustrated litigants should not be permitted to give vent to their frustrations by cheaply invoking the jurisdiction of the criminal court. The court



proceedings ought not to be permitted to degenerate into a weapon of harassment and persecution. In such a case, where an FIR is lodged clearly with a view to spite the other party because of a private and personal grudge and to enmesh the other party in long and arduous criminal proceedings, the court may take a view that it amounts to an abuse of the process of law in the facts and circumstances of the case. (vide : Chandrapal Singh & Ors. Vs. Maharaj Singh & Anr., AIR 1982 SC 1238; State of Haryana & Ors. Vs. Ch.Bhajan Lal & Ors., AIR 1992 SC 604; G.Sagar Suri & Anr. Vs. State of U.P. & Ors., AIR 2000 SC 754; and Gorige Pentaiah Vs. State of A.P. & Ors., (2008) 12 SCC 531)."

(emphasis supplied)

13. In case of ***M/s.Thermax Limited, Bhikhubhai Govindbhai Patel*** as well as in ***Mukeem Ahmad*** (*supra*) similar view is expressed.

14. Though at outset, contention about complaint suffering from delay is by referring to date of execution of gift deed by complainant in favour of accused no.1, which was in 2010. However, against said gift deed on allegation that said gift deed was fraudulent, complainant has approached Civil



Court in O.S.no.1168/2022 and has sought declaration against said deed.

15. Perusal of complaint reveals that grievance of complainant is against alienation of suit properties during pendency of suit and after grant of order of temporary injunction on 03.06.2022 in favour of accused no.2 and 3. Allegation of alienation in favour of accused no.2 and 3 is on 06.06.2022 and 01.07.2022. Therefore, complaint filed on 21.07.2022 cannot be stated to be suffering from unexplained inordinate delay and same would not appear fatal.

16. However, reading of entire complaint reveals dispute between parties is purely civil in nature. Suit is filed on 30.05.2022 and order of temporary injunction was granted on 03.06.2022. When complainant has challenged gift deed dated 07.04.2010 in civil suit, arraigning accused as party any alienation during pendency of suit would attract *lis pendence*.

17. Hon'ble Supreme Court as in ***Sachin Garg v. State of U.P.***, reported in **2024 SCC OnLine SC 82** has stated that merely by adding phrases from Penal Code, civil dispute cannot be permitted to be converted into criminal prosecution. Same



would be abuse of process. In case of ***Mohammad Wajid vs State of U.P.*** reported in ***2023 SCC Online SC 951***, Hon'ble Supreme Court has held that Court would be required to take notice of circumstances surrounding filing of complaint and in case complainant has a civil remedy and, in fact, opted for it, Court should not hesitate to quash proceedings, as they would be apparent abuse of process.

18. Facts of present case, fall squarely into ambit of ratio. Hence, Petition is ***allowed***, proceedings in Crime no.283/2022 in pursuance of direction by Prl. Civil Judge and JMFC, Hoskote, Bengaluru Rural in P.C.R. no.162/2022 for offences punishable under Sections 420 and 120B read with Section 34 of IPC stand quashed.

In view of disposal, I.A.no.1/2025 is dismissed as unnecessary.

Sd/-
(RAVI V HOSMANI)
JUDGE