



CNR: KAHC010435192019

NC: 2026:KHC:49017
CRL.P No. 7226 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 7226 OF 2019

BETWEEN:

1. G.S. NAVEEN
S/O G.S. SHADAKSHARAPPA
AGED ABOUT 40 YEARS,
R/O GIRIYAPURA, KADUR TLAUK
CHIKKAMAGALORE DISTRICT - 577 205.
2. LOHITESHWARAPPA R.T,
FATHER NAME NOT KNOWN
AGED ABOUT 48 YEARS,
ASSISTANT TEACHER,
GOVT. HIGHER PRIMARY SCHOOL,
ATTIGUNDA BHADRAVATHI TALUK
SHIVAMOGGA DISTRICT - 577 201.

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. HANUMANTHAPPA B. HARAVI GOWDAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY SUB INSPECTOR
SHIVAMOGGA RURAL POLICE STATION,
SHIVAMOGGA - 577 201,
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE - 560 001.



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2. SMT. GEETHA H
W/O MAHESHWARAPPA
AGED ABOUT 45 YEARS,
R/ NO.4, SHREESHAILA
MALLIKARJUNA NILAYA,
HOSURU STREET, NAVILE VILLAGE
SHIVAMOGGA DISTRICT - 577 204.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M, HCGP FOR R1;
R2 - SERVED - UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
SET ASIDE THE ENTIRE PROCEEDINGS IN PCR.NO.21/2016 ON
THE FILE OF THE JUDICIAL MAGISTRATE FIRST CLASS COURT-
III AT SHIVAMOGGA.

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

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

ORAL ORDER

Heard the learned counsel appearing for the
petitioners and the learned High Court Government
Pleader appearing for respondent no.1/State.

2. Respondent no.2/complainant is served and
unrepresented.



3. Learned counsel appearing for the petitioners would vehemently contend that the very initiation of proceedings against the petitioners is bad in law. He would further contend that there was a civil suit between the parties and that respondent no.2/complainant has filed O.S.No.3/2017 and also filed IA.No.2 therein, which came to be dismissed by the Court. The allegations made against the petitioners are frivolous and the petitioners have not made any arrangement to get the property transferred from one G.S.Shivakumar and the dispute is civil in nature and has given a criminal colour.

4. His further submission is that, when the suit is filed against the petitioners arraying them as defendant nos.2 and 3 in O.S.No.3/2017, the suit came to be decreed only against defendant no.1/G.S.Shivakumar and was dismissed insofar as the petitioners are concerned. The prayer in the original suit was for a direction to defendant no.1 for making arrangements to transfer the suit schedule property in favour of the petitioners, in



collusion with each other. Such allegation was not proved in the said original suit. Hence, it requires interference.

5. His further submission is that the complaint was not accompanied by an affidavit, contrary to the law laid down by the Hon'ble Apex Court in the case of ***Priyanka Srivastava & Another vs. State of Uttar Pradesh & Others*** reported in ***(2015) 6 SCC 287***.

6. Learned High Court Government Pleader appearing for respondent no.1/State would contend that the case arises out of a private complaint, which was referred to the police for investigation under Section 156(3) of Cr.P.C. and the police have not yet filed any charge sheet, since the interim order has been granted by this Court.

7. Having heard the counsel appearing for the petitioners and the learned High Court Government Pleader for respondent no.1/State, it is not in dispute that a private complaint was filed, the same is numbered as



PCR No.21/2016 and in support of the complaint, no affidavit is filed in compliance of the judgment of ***Priyanaka Srivastava*** as referred *supra*. The law laid down by the Hon'ble Apex court is clear that mere filing of a complaint is not sufficient and the same has to be substantiated by filing an affidavit in support of the complaint.

8. Learned counsel for the petitioners would also contend that a civil suit was also filed, wherein the petitioners were arrayed as defendant nos.2 and 4 and the suit came to be dismissed insofar as the petitioners are concerned and the suit in O.S.No.3/2017 was decreed only against defendant no.1.

9. Having taken note of the fact that the complaint is not supported by an affidavit and so also, the suit is not decreed against the petitioners and there is also a civil dispute between the parties. The suit is also filed in the year 2017 itself. When there is a civil dispute between the



parties is concerned, the same cannot be given a criminal colour in the respect of the civil dispute between the parties.

10. Such being the case, the petitioners have made out a case for quashing the proceedings against the petitioners. Hence, this Court passes the following:

ORDER

- i. Criminal Petition is ***allowed***.
- ii. The proceedings initiated against the petitioners in P.C.R.No.21/2016 on the file of Judicial Magistrate First Class Court-III, Shivammogga at Annexure-A is hereby quashed

**Sd/-
(H.P.SANDESH)
JUDGE**