



CNR: KAHC010455342019

NC: 2026:KHC:40474
CRL.P No. 7983 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO. 7983 OF 2019

BETWEEN:

1. SRI N HARISH
S/O D.NAGARAJU
AGED ABOUT 36 YEARS
RESIDING AT SY.NO.20,
HOUSE LIST NO.12/2,
NEW NO.147, ABBIGERE,
BANGALORE - 560 090.
2. D.NAGARAJ
S/O DALIPATHAIAH
AGED ABOUT 75 YEARS

(V/O DATED 03.08.2026 PETITIONER NO.2 DELETED)

...PETITIONER

Digitally signed
by ANUSHA V

Location: High
Court of
Karnataka

(BY SRI ADINARAYANAPPA, ADVOCATE)

AND:

1. THE INSPECTOR OF POLICE
GANGAMMAGUDI POLICE STATION
BANGALORE NORTH,
BANGALORE - 560 091.
REP BY PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.
2. SRI H.S.ASHOK KUMAR
S/O LATE H.N.SATHYANARAYANA RAO
AGED ABOUT 48 YEARS,



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RESIDING AT NO.147,
ABBIGERE,
OPP. TO SHASHI PROVISION STORE,
CHIKKA BANAVARA POST,
ABBIGERE
BANGALORE - 560 090.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;
SRI K.S.SREEKANTHA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH
THE COMPLAINT FILED BY THE 2ND RESPONDENT AGAINST THE
PETITIONERS IN PCR.NO.5209/2019 ON THE FILE OF THE I
A.C.M.M., AT BENGALURU FOR THE OFFENCE P/U/S 420,465,
467,468,471 R/W 34 OF IPC WHICH IS PRODUCED AT
ANNEXURE-A AND ALSO QUASH THE FIR FILED BY THE 1ST
RESPONDENT AGAINST THE PETITIONERS IN CR.NO.93/2019
WHICH IS PRODUCED AT ANNEXURE-B AND GRANT COST OF
THIS PETITION.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



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ORAL ORDER

Challenging proceedings in PCR no.5209/2019 on file of I ACMM, Bengaluru for offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of Indian Penal Code, 1860 (**IPC**) and registration of FIR in Crime no.93/2019 by Gangammagudi Police Station, Bengaluru, this petition is filed.

2. Sri Adinarayanappa, learned counsel for petitioners submitted that petitioners were accused no.1 and 2 in complaint filed by respondent no.2 (**complainant**) wherein he claimed that he purchased *land* bearing khata no.2, House list no.12/2, new no.147 situated at Abbigere village, Bengaluru measuring 450 sq.ft. (East to West 15 feet and North to South 30 feet) (**land**) from his father-in-law (accused no.2) under registered Sale Deed dated 28.02.2001. And got khata transferred, paid taxes regularly and residing in small AC sheet roofed house constructed on it. He further alleged that when accused (his father-in-law and brother-in-law) interfered with his possession, he filed OS no.26380/2017 for permanent injunction and obtained order of temporary injunction. Thereafter, by denying execution of General Power of Attorney



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on 05.03.2001 (**GPA**) in favour of accused no.2, he alleged land was illegally sold by GPA holder on 14.09.2017 by colluding with officials of registering authority, complaint was filed. It was stated that on 08.04.2019 he had approached Gangammagudi Police Station with written complaint, which was not registered and he was advised to file civil suit. Therefore, private complaint was filed for offences punishable under Sections 418, 420, 465, 467, 468, 471 read with Section 34 of IPC. It was submitted, based on direction of Magistrate, FIR in Crime no.93/2019 was registered. Aggrieved by same accused filed this petition.

3. At outset, it was submitted that complaint was filed only to harass accused. It was submitted, dispute was entirely civil in nature and though complainant had filed suit and order of temporary injunction, same was by suppressing facts. It was submitted, on filing of application by accused, trial Court had vacated interim order by detailed order. It was submitted that entire dispute was civil in nature and as suit was filed dispute could be dealt with in civil proceedings and no offences were established. For proposition that a civil dispute was sought to



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be given criminal flavor, which was impermissible, learned counsel relied on decision of Hon'ble Supreme Court in case of **Syed Yaseer Ibrahim v. State of U.P** reported in **(2022) 17 SCC 611**. It was also held after completion of investigation, if neither FIR nor charge-sheet indicates essential ingredients of offence, continuation of prosecution would be abuse of process.

4. It was submitted that complainant was son-in-law of accused no.2, since he was working and eligible for loan, notional sale deed was executed on 28.02.2001. Immediately thereafter i.e. on 05.03.2001, complainant had executed GPA in favour of accused no.2. It was submitted, though loan was sanctioned in complainant's name, it was repaid entirely by accused. In view of sale, accused no.2 was owner of land. It was submitted allegation of forgery of signature was false and futile as bare comparison of signature of complainant on Sale deed and GPA were same. On above grounds prayed for allowing petition.

5. On other hand, Smt.Sowmya R., learned HCGP for respondent no.1-State opposed petition.



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6. Sri KS Sreekantha, learned counsel for respondent no.2-complainant opposed petition. It was submitted fact that GPA was forged/fabricated by accused was criminal act and required to be dealt with in these proceedings. Mere pendency of OS no.26384/2017 cannot wash away criminal liability on account of fabrication of GPA by accused. Therefore, instant case was not purely civil in nature.

7. It was submitted refusal by accused to produce original GPA before Investigating Officer despite Court direction in suit demonstrated deliberate concealment of primary evidence. Relying on ratio laid down by Hon'ble Supreme Court in case of **Sadiq B. Hanchinmani v. State of Karnataka** reported in **2025 SCC OnLine SC 2334**, and **Sharla Bazliel v. Baldev Thakur** reported in **2026 SCC OnLine SC 396**, it was submitted, since allegations of forgery of document were deeply intertwined with facts and forensic evaluation was pending, criminal proceedings cannot be quashed at this stage.

8. He also relied on decision in case of **Madhao v. State of Maharashtra** reported in **(2013) 5 SCC**



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615, wherein it was held that under Section 156 (3) of CrPC, instead of taking immediate cognizance, Magistrate has discretion to refer complaint to police for investigation if it saves judicial time and serves justice. And cautioned that same could only be at pre-cognizance stage.

9. It was submitted, Hon'ble Supreme Court clarified in **Ramdev Food Products Private Limited v. State of Gujarat** reported in **(2015) 6 SCC 439**, as per Section 202 of CrPC, learned Magistrate would be justified in postponing issuing process if it is to determine whether there were sufficient grounds to proceed. Relying upon decision in case of **M/s. Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra** reported in **(2021) 19 SCC 401**, it was submitted, Three-Judge's Bench held Courts should stay investigations only in exceptional cases of clear abuse of process, while balancing need for investigation into genuine complaints/FIRs. It emphasized that when facts are unclear or investigations had commenced, High Court must exercise caution and grant stay only on valid reasons.



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10. Based on above, as instant case involved allegation of forgery and fabrication of GPA and illegal sale, detailed uninterrupted police investigation was required and any interference would run counterproductive to unearthing of truth.

11. To buttress contention about GPA being understamped and liable for impounding, it was submitted, this Court in **BC Prasad and Anr. v. District Registrar and Deputy Commissioner of Stamps and Anr. [2025:KHC:9154]**, held lapse of more than five years from date of execution of document, barred demand of deficit stamp duty under Section 46A of Karnataka Stamp Act, 1957. On above grounds, prayed for dismissal of petition.

12. Heard learned counsel and perused material on record.

13. This petition is by accused challenging registration of FIR as per directions of learned Magistrate in private complaint.



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14. In case of challenge of proceedings at inception, Hon'ble Supreme Court in case of **Anukul Singh v. State of U.P., 2025 SCC OnLine SC 2060**, held:

"**11.** Before advertng to the facts of the present case, it is necessary to recapitulate the settled legal principles governing the exercise of inherent powers under Section 482 CrPC. It is well established that though the High Court possesses wide and plenary inherent jurisdiction, such power is not unbridled or unlimited, but circumscribed by self-imposed restraints evolved through judicial pronouncements.

11.1. This Court in *State of Haryana v. Bhajan Lal*, at paragraph 102, laid down illustrative categories where quashing of proceedings is justified. These are:

- "(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of



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a Magistrate as contemplated under Section 155 (2) of the Code.

- (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or, where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.
- (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

It is held, categories in Bhajan Lal are illustrative and not exhaustive, but they provide guiding principles to balance two competing considerations – (a)preventing abuse of process of law, and (b)ensuring that criminal proceedings are not stifled at the threshold on disputed questions of fact.

- 11.2.** Equally, this Court has consistently cautioned that the High Court, while exercising jurisdiction under Section 482 Cr.P.C., cannot embark upon a "minitrial" or weigh the sufficiency of evidence, which falls within the domain of the trial Court. ***The scope of enquiry is confined to whether, on a plain reading of the FIR / complaint and accompanying material, the ingredients of the alleged offence are disclosed.*** [See: Rajiv Thapar v. Madal Lal Kapoor, HMT Watches



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v. Abida, and Rathish Babu Unnikrishnan v. the State (Govt. of NCT of Delhi) and others].

11.3. In *Md. Allauddin Khan v. State of Bihar*, it was reiterated that appreciation of contradictions or inconsistencies in witness statements lies within the exclusive domain of the trial Court and not in proceedings under Section 482 Cr.P.C. Similarly, in *CBI v. Aryan Singh*, it was emphasized that the High Court had exceeded its jurisdiction by examining the merits of the prosecution's case and holding that charges were not proved, which is a matter strictly for trial. 11 (2013) 3 SCC 330 12 (2015) 11 SCC 776 13 MANU/SC/0542/2022 14 (2019) 6 SCC 107 15 (2023) 18 SCC 399 12

11.4. Nevertheless, an exception has been recognized where the defence relies upon unimpeachable, incontrovertible evidence of sterling quality – such as documents of undisputed authenticity – which ex facie demonstrate that continuation of criminal proceedings would be unjust and oppressive. This principle was recognized in *Suryalakshmi Cotton Mills Ltd v. Rajvir Industries Ltd*, and followed in subsequent decisions.

11.5. *Thus, the cumulative principles that emerge are: while the jurisdiction under Section 482 Cr.P.C is extraordinary and must be exercised sparingly, it is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law, or where the dispute is purely of a civil nature and criminal colour has been artificially given to it. Conversely, where disputed questions of fact arise requiring adjudication, the matter must ordinarily proceed to trial.*

(Emphasis supplied)



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15. Main ground for challenge is that dispute was civil in nature and complainant had resorted to civil remedy. Accused claim that even as per complainant, accused no.2 was owner of land and his father-in-law. Contention of accused that sale deed executed in favour of complainant was nominal and supported by fact that loan instalments were paid by accused no.2 himself and comparison of signatures would reveal falsity of allegations and establish initiation of criminal proceedings was abuse of process and rely on ratio in **Syed Yaseer Ibrahim's** case (supra).

16. While there cannot be quarrel about proposition that a purely civil dispute cannot be permitted to be given criminal flavour, it is settled law that scope of examination in challenge against registration of FIR would be confined to finding out whether FIR discloses commission of offence without anything being added or subtracted from recitals therein. It is also observed in **Anukul Singh's** case (supra) that Court cannot embark upon mini trial to weigh material based on contentions.



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17. Firstly, contention of accused that Sale Deed executed in favour of complainant was nominal for purposes of availing loan would be in nature of defence and cannot be considered at this stage. Likewise, their claim that loan instalments were paid only by accused no.2 would stand diluted. Even vociferous submission of learned counsel for accused that certain observations were made by learned trial Judge while vacating order of temporary injunction about suppression etc. cannot be considered as they are prima facie in nature and not unimpeachable, incontrovertible evidence of sterling quality.

18. And taking note of fact that proceedings are at inception stage, prayer for quashing by comparison of signatures would be too far-fetched. Perusal of allegations in complaint disclose denial of execution of GPA and consequential invalidity of sale deed by GPA holder.

19. Offences invoked against accused in complaint are under Sections 420, 465, 467, 468, 471 read with Section 34 of IPC. Thus, it has to be examined, whether complaint allegations contain essential ingredients of said offences.



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20. As held by Hon'ble Supreme Court in case of **Hira Lal Hari Lal Bhagwati v. CBI** reported in **(2003) 5 SCC 257**, that for establishing offence of cheating under Section 420 of IPC, accused are required to have had fraudulent or dishonest intention at time of making promise or representation. At outset, there is no allegation of any promise or representation made by accused to complainant insofar as transaction with regard to land or about delivery of any valuable security/property. Invocation of said provision does not appear proper. However, insofar as other offences, while Section 467 deals with forgery of valuable security; Section 468 deals with forgery with intent to cheat and Section 471 arises where a forged document is used as genuine. Common element in above provision is about forgery and making of false document (GPA). Hence, there would be need to refer to Section 463 defining forgery:

Section 463. Forgery.— *Whoever makes any false documents or false electronic record or part of a document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.*



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21. Allegation in complaint is about accused forging signature of complainant creating GPA in favour of accused no.2 and based on same executing sale deed in favour of accused no.1 in respect of land belonging to complainant, thereby seeking to deprive him of his title over land. Same would prima facie fall within mischief contemplated in Section 463 read with Section 464 (a) of IPC.

22. In fact, Hon'ble Supreme Court in case of **Mohd. Ibrahim v. State of Bihar**, reported in **(2009) 8 SCC 751**, has held:

*"8. This Court has time and again drawn attention to the growing tendency of the complainants attempting to give the cloak of a criminal offence to matters which are essentially and purely civil in nature, obviously either to apply pressure on the accused, or out of enmity towards the accused, or to subject the accused to harassment. Criminal courts should ensure that proceedings before it are not used for settling scores or to pressurise parties to settle civil disputes. **But at the same time, it should be noted that several disputes of a civil nature may also contain the ingredients of criminal offences and if so, will have to be tried as criminal offences, even if they also amount to civil disputes.** (See G. Sagar Suri v. State of U.P. [(2000) 2 SCC 636 : 2000 SCC (Cri) 513] and Indian Oil Corpn. v. NEPC India Ltd. [(2006) 6 SCC 736 : (2006) 3 SCC (Cri) 188]) Let us examine the matter keeping the said principles in mind.*



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9. *Let us first consider whether the complaint averments even assuming to be true make out the ingredients of the offences punishable either under Section 467 or Section 471 of the Penal Code.*

10. *Section 467 (insofar as it is relevant to this case) provides that whoever forges a document which purports to be a valuable security, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine. Section 471, relevant to our purpose, provides that whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.*

11. *Section 470 defines a forged document as a false document made by forgery. The term "forgery" used in these two sections is defined in Section 463. Whoever makes any false documents with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into express or implied contract, or with intent to commit fraud or that the fraud may be committed, commits forgery.*

12. *Section 464 defining "making a false document" is extracted below:*

"464. Making a false document.—A person is said to make a false document or false electronic record—

First.—Who dishonestly or fraudulently—

(a) makes, signs, seals or executes a document or part of a document;

(b) makes or transmits any electronic record or part of any electronic record;

(c) affixes any digital signature on any electronic record;

(d) makes any mark denoting the execution of a document or the authenticity of the digital signature,



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with the intention of causing it to be believed that such document or a part of document, electronic record or digital signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or Secondly.—Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with digital signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly.—Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his digital signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.

Explanation 1.—A man's signature of his own name may amount to forgery.

Explanation 2.—The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

[Note.— The words 'digital signature' wherever they occur were substituted by the words 'electronic signature' by Amendment Act 10 of 2009.]"

(emphasis supplied)

13. *The condition precedent for an offence under Sections 467 and 471 is forgery. The condition precedent for forgery is making a false document (or false electronic record or part thereof). This case does not relate to any false electronic record. Therefore, the*



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question is whether the first accused, in executing and registering the two sale deeds purporting to sell a property (even if it is assumed that it did not belong to him), can be said to have made and executed false documents, in collusion with the other accused.

14. *An analysis of Section 464 of the Penal Code shows that it divides false documents into three categories:*

1. The first is where a person dishonestly or fraudulently makes or executes a document with the intention of causing it to be believed that such document was made or executed by some other person, or by the authority of some other person, by whom or by whose authority he knows it was not made or executed.

2. The second is where a person dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part, without lawful authority, after it has been made or executed by either himself or any other person.

3. The third is where a person dishonestly or fraudulently causes any person to sign, execute or alter a document knowing that such person could not by reason of (a) unsoundness of mind; or (b) intoxication; or (c) deception practised upon him, know the contents of the document or the nature of the alteration.

In short, a person is said to have made a "false document", if (i) he made or executed a document claiming to be someone else or authorised by someone else; or (ii) he altered or tampered a document; or (iii) he obtained a document by practising deception, or from a person not in control of his senses.

15. *The sale deeds executed by the first appellant, clearly and obviously do not fall under the second and third categories of "false documents". It therefore remains to be seen whether the claim of the complainant that the execution of sale deeds by the first accused, who was in no way connected with the land, amounted to committing forgery of the documents with the intention of taking possession of the complainant's*



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land (and that Accused 2 to 5 as the purchaser, witness, scribe and stamp vendor, colluded with the first accused in execution and registration of the said sale deeds) would bring the case under the first category.

16. *There is a fundamental difference between a person executing a sale deed claiming that the property conveyed is his property, and a person executing a sale deed by impersonating the owner or falsely claiming to be authorised or empowered by the owner, to execute the deed on owner's behalf. When a person executes a document conveying a property describing it as his, there are two possibilities. The first is that he bona fide believes that the property actually belongs to him. The second is that he may be dishonestly or fraudulently claiming it to be his even though he knows that it is not his property. But to fall under first category of "false documents", it is not sufficient that a document has been made or executed dishonestly or fraudulently. There is a further requirement that it should have been made with the intention of causing it to be believed that such document was made or executed by, or by the authority of a person, by whom or by whose authority he knows that it was not made or executed.*

17. *When a document is executed by a person claiming a property which is not his, he is not claiming that he is someone else nor is he claiming that he is authorised by someone else. Therefore, execution of such document (purporting to convey some property of which he is not the owner) is not execution of a false document as defined under Section 464 of the Code. If what is executed is not a false document, there is no forgery. If there is no forgery, then neither Section 467 nor Section 471 of the Code are attracted."*

23. In above case, it is held that there is no bar against initiation of civil and criminal proceedings in respect of same incident. It also clarified various requirements to be met to



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invoke prosecution under said provisions. It is held, it would not be sufficient to invoke offences under Sections 464, 467 and 471 merely on ground that a person has executed sale deed in respect of property not belonging to him. It has to be further established that same was with dishonest or fraudulent intention.

24. Allegation in instant complaint is not only about accused no.2 executing sale deed in respect of land in favour of accused no.1, but about forging GPA for said purpose, which prima facie satisfies requirement of above provisions.

25. In view of above, none of grounds urged are meritorious. Hence, petition is **dismissed**. Consequently, pending application stands disposed of as unnecessary.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV,YKL
List No.: 1 Sl No.: 51