



CNR: KAHC010456772022

NC: 2026:KHC:49461
CRL.P No. 10050 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 10050 OF 2022 (482(Cr.PC) /
528(BNSS))

BETWEEN:

SRI. ASHFAQ MOHAMMED ASIF
S/O LATE SRI. ASHFAZ HAMMAD ,
AGED ABOUT 40 YEARS,
KADLEMAKKI,
I.T.A. COLLEGE ROAD,
BALEHONNUR, NR PURA TALUK - 577 112.

...PETITIONER

(BY SRI. PRASAD B S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HALEHONNUR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.
2. C.R.THOMAS
S/O LATE SRI.C.T.RAFael
AGED ABOUT 45 YEARS,
BUILDING CONTRACTOR,
SHALOM CONSTRUCTIONS,
BETHAL TOWER, N.R.PURA ROAD,
BALEHONNUR, NR PURA TALUK - 577 112.

...RESPONDENTS

(BY SRI. M. DIWAKAR MADDUR, HCGP FOR R1/STATE;
SRI. S. VICTOR MANOHARAN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH
THE ENTIRE PROCEEDINGS IN PCR NO.120/2021 (CR.NO.116/2021)
FOR THE OFFENCES PUNISHABLE UNDER SECTION 200 OF CR.P.C
UNDER SECTION 420, 406 OF IPC, REGISTER IN BALEHONNUR P S,
PENDING ON THE FILE OF THE CIVIL JUDGE AND JMFC
NARASIMHARAJAPURA IS PRODUCED AT ANNEXURE-A.

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

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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

ORAL ORDER

Heard Sri Prasad B.S., learned counsel for the petitioner, Sri M.Diwakar Maddur, learned High Court Government Pleader appearing for the respondent No.1 and Sri S.Victor Manoharan, learned counsel for respondent No.2.

2. This petition is filed praying this Court to quash the entire proceedings in PCR No.120/2021 (Crime No.116/2021) pending on the file of Civil Judge and JMFC, Narasimharajapura, Chikmagalur.

3. The learned counsel appearing for the petitioner would vehemently contend that there was a contract between the petitioner and the complainant for construction of a house and also brought to the notice of this Court an agreement to that effect dated 16.01.2018 (Annexure-B). The learned counsel also brought to the notice of this Court that a period of 24 months was specified for completion of the work. However, he did not complete the work and when he failed to comply with the terms of the contract, the work was entrusted to a third person and was got completed through him. In the



meanwhile, he had filed a suit seeking a direction not to entrust the work to any third person, but no such relief was granted by the Civil Court. Ultimately, he filed a PCR No.120/2021 and arising out of the said PCR, Crime No.116/2021 was registered, wherein, in the complaint, it is stated that 80% of the work was completed and an amount of Rs.1,28,04,749/- was spent. However, payment was made to the tune of Rs.77,95,000/- and an amount of Rs.50,09,749/- was due. Having taken note of the contents of the complaint in PCR No.120/2021, it is very clear that the dispute is in respect of payment of money and the same is a civil dispute between the parties. The learned counsel would further contend that, in respect of a civil dispute, criminal colour has been given. Hence, prayed to allow the petition.

4. *Per contra*, the learned counsel appearing for respondent No.2 - complainant would submit that, though the work was done, the petitioner has not made the payment proportionate to the work done by respondent No.2 and hence, a suit was filed. Subsequently, the same was withdrawn in view of completion of the work and the complainant pursued the



matter by filing a private complaint, invoking the offences punishable under Sections 420 and 406 of IPC.

5. The learned High Court Government Pleader appearing for the State would submit that, in view of the PCR, the case was registered and subsequently, no further investigation was conducted in view of the stay granted by this Court.

6. Having heard the learned counsel appearing for the petitioner and also the learned counsel appearing for the respondents, it is not in dispute that there was an agreement between the parties in terms of the agreement dated 16.01.2018. Having considered the terms mentioned in the contract, the time was also fixed for a period of 24 months from the date of the agreement, i.e., 16.01.2018. Differences arose between the parties subsequently. Ultimately, the complaint was filed in the year 2021, almost after three years.

7. Having considered the contents of the PCR, an allegation is also made that he had carried out the work to the tune of Rs.1,28,04,749/- and an amount of Rs.77,95,000/- was



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paid. However, there was a difference in the amount of Rs.50,09,749/- which was yet to be paid. Having taken note of the contents of the complaint and also the contents of the FIR, it is evident that the contents of the private complaint have been incorporated in the FIR and that the offences invoked are under Sections 420 and 406 of IPC.

8. Having considered the material available on record, it is very clear that the dispute between the parties is a civil dispute. There was an agreement between the parties with regard to the payment and if the terms of the contract are not carried out and if any differences arise, particularly with regard to the amount spent and the amount not paid, the same would not amount to the ingredients of the offences under Sections 420 and 406 of IPC. It is nothing but giving a criminal colour to the civil dispute between the parties. Hence, the very allegation and accusation made in the complaint cannot be tried in a criminal case with regard to the civil dispute and also with regard to the liability. Hence, the petitioner has made out a ground to quash the proceedings initiated against the petitioner, otherwise, it would amount to an abuse of the



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process of law, which would lead to miscarriage of justice. In view of the discussions made above, I pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The criminal prosecution initiated against the petitioner is hereby quashed.

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

AM
List No.: 1 Sl No.: 45