



CNR: KAHC010463712024

NC: 2026:KHC:50259
CRL.P No. 8539 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 8539 OF 2024

BETWEEN:

SRI R RAJAGOPAL
S/O. LATE A.R. RANGACHAR,
AGED ABOUT 58 YEARS,
RESIDING AT NO.239/1,
BULL TEMPLE ROAD,
A-CROSS, CHAMARAJPET,
BENGALURU SOUTH,
BENGALURU 560 018.

(ADDRESS OF THE PETITIONER IS MENTIONED AS
PER HIS AADHAR CARD)

...PETITIONER

(BY SRI. MURTHY D NAIK, SENIOR COUNSEL FOR
SRI. MAHENDRA G, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY MICO LAYOUT POLICE STATION,
BENGALURU 560 076.
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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HIGH COURT BUILDING,
BENGALURU-560001

2. SRI.VIKRAM HARIHARA MANJUNATHA,
S/O. MANJUNATHA B.V,
AGED ABOUT 47 YEARS,
RESIDING AT FLAT NO.002,
GROUND FLOOR,
SOUNDARYA PRANAV APARTMENT,
RANKA COLONY,
BILEKAHALLI,
BENGALURU-560 076

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. M.D. RAGHUNATH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528
BNNS) PRAYING TO QUASH THE CRIMINAL PROCEEDINGS
PENDING AGAINST THE PETITIONER / ACCUSED NO.4 IN
C.C.NO.6807/2024 FOR THE OFFENCE P/U/S 418,420,120B OF
IPC PENDING ON THE FILE C.M.M BENGALURU VIDE
ANNEXURE-A.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. seeking to quash proceedings against the petitioner/accused No.4 in C.C No.6807/2024 (arising out of Crime No.357/2022 of Mico Layout Police Station), pending on the file VI ACMM, Bengaluru (for short, the 'learned Magistrate') for the offences punishable under Sections 418, 420, 12B of IPC.

2. The brief facts of the case are that the petitioner, who is arraigned as accused No.4, purchased Flat No.G2 situated on the ground floor of Soundarya Pranav Apartments, BBMP Property No.457/357/268, BBMP Khata No.422/1, situated at Ranka Colony, Bilekahalli Village, Beguru Hobli, Bengaluru, from Soundarya Promoters and Developers, represented by its Managing Partner, Manjunath, who is arraigned as accused No.1, under a registered sale deed dated 28.03.2008.

3. It is alleged that, subsequently, in the year 2010, accused No.1, in collusion with accused No.2, who was his GPA



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holder, renumbered all the flats situated on the ground and first floors and sold the petitioner's flat to respondent No.2 by reassigning the flat number as 002. On coming to know of the said transaction, the petitioner questioned the same with the builder as well as respondent No.2 and issued a legal notice dated 03.07.2017.

4. Prior thereto, respondent No.2 had lodged a private complaint in PCR No.249/2017 on 07.01.2017 against the petitioner and the partners of Soundarya Promoters. The said complaint came to be dismissed by the learned Magistrate on 12.01.2017. Aggrieved by the said order, respondent No.2 preferred Crl.R.P.No.111/2017, which came to be allowed on 17.08.2019, and the matter was remanded to the learned Magistrate. Consequently, the learned Magistrate referred the complaint to respondent No.1-Police under Section 156(3) of the Cr.P.C.

5. Pursuant thereto, respondent No.1-Police registered an FIR against the petitioner and others for the offences punishable under Sections 466, 120B, 420, 465, 467, 468, 471,



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472, 477A, 481, 464 and 506(2) read with Section 34 of the IPC.

6. In the meantime, the petitioner instituted O.S.No.3028/2020 against the builder and respondent No.2 in respect of the subject property. In the said suit, the Trial Court, by order dated 06.07.2020, granted an interim order of temporary injunction restraining respondent No.2 from alienating or creating any encumbrance over the suit property.

7. After completion of the investigation, respondent No.1-Police laid the charge-sheet against the petitioner and other accused for the offences punishable under Sections 418, 420 and 120B of the IPC, arraigning the petitioner as accused No.4. The learned Magistrate thereafter took cognizance of the aforesaid offences.

8. Heard learned Senior Counsel for the petitioner, learned counsel for respondent No.2 and learned HCGP for respondent No.1 - State.

9. Learned Senior Counsel appearing for the petitioner primarily contended that the petitioner is a bona fide purchaser



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of the subject flat, having purchased the same from accused No.1, the promoters, for a sale consideration of Rs.19,00,000/- It is contended that the petitioner has nothing to do with the alleged acts of forgery or other acts committed by accused Nos.1 and 2 in respect of respondent No.2, by altering or assigning new numbers to the flats and subsequently selling the petitioner's flat to respondent No.2 in the year 2010.

10. It was further contended that, immediately upon coming to know of the subsequent sale of his flat in favour of respondent No.2, the petitioner issued a legal notice and also instituted a civil suit, which is pending consideration. It is also contended that respondent No.2 has instituted a civil suit against the petitioner and others in respect of the very same subject matter. In such circumstances, the petitioner himself is aggrieved by the acts allegedly committed by accused Nos.1 and 2 and, therefore, continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law. Accordingly, learned Senior Counsel sought to allow the petition.



11. *Per contra*, learned counsel appearing for respondent No.2-complainant contended that, after execution of the sale deed in his favour by the builder, the petitioner attempted to dispossess respondent No.2 from the subject flat, despite being fully aware that respondent No.2 had purchased the said flat from accused Nos.1 and 2. It is therefore contended that the petitioner has also committed the offences alleged in the charge-sheet. Accordingly, he sought dismissal of the petition.

12. Learned HCGP also opposed the prayer of the petitioner contending that the investigation has been completed and the police have laid the charge-sheet against all the accused, including the petitioner, for the offences punishable under Sections 420, 418 and 120B of IPC. It is therefore contended that, in view of the charge-sheet having been filed after completion of investigation, the proceedings initiated against the petitioner cannot be quashed at this stage. Accordingly, he prays for dismissal of the petition.



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13. I have given my anxious consideration to the learned counsel for the respective parties so also perused the entire materials placed on record.

14. As could be gathered from the charge-sheet materials, it is undisputed that the petitioner purchased the subject property from accused No.1 under a registered sale deed in the year 2008, for a sale consideration of Rs.19,00,000/-. Thereafter, in the year 2010, accused No.1, in collusion with accused No.2, who was the GPA holder of accused No.1, reassigned the numbers of all the flats situated on the ground and first floors and once again sold the petitioner's flat in favour of respondent No.2.

15. On perusal of the legal notice issued by the petitioner, it is evident that the subsequent transaction in favour of respondent No.2 was not within the knowledge of the petitioner. Further, the petitioner has instituted a civil suit against the builder/promoters and other persons, including respondent No.2, wherein the Trial Court has granted an interim order of injunction against the respondent No.2. It is also the contention of respondent No.2 that the petitioner



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attempted to dispossess him from the subject flat, pursuant to which respondent No.2 approached the Civil Court and instituted a civil suit, which is pending consideration.

16. In the aforesaid circumstances, on careful examination of the entire charge-sheet materials, I am of the considered view that the offences alleged in the charge-sheet are not attracted against the petitioner for the simple reason he himself is a aggrieved party by the act of accused Nos.1 and 2. There is no material forthcoming to prima facie establish that the petitioner had any intention or motive to commit forgery or any other offences alleged in the charge-sheet, in collusion with accused Nos.1 and 2. Moreover, the charge-sheet materials do not disclose any material to indicate that the petitioner had colluded with accused Nos.1 and 2 in selling the subject flat to respondent No.2.

17. Even if the allegations contained in the charge-sheet are taken at their face value, the same do not disclose the commission of any offences by the petitioner. In such circumstances, permitting the criminal proceedings to continue against the petitioner would amount to an abuse of the process



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of law. Hence, the proceedings insofar as the petitioner-accused No.4 concerned are liable to be quashed. Accordingly, i proceed to pass the following:

ORDER

- i. The petition is allowed.
- ii. The proceedings against the petitioner/Accused No.4 in C.C No.6807/2024 (arising out of Crime No.357/2022 of Mico Layout Police Station), for the offences punishable under Sections 418, 420, 12B of IPC, presently, pending on the file VI ACMM, Bengaluru, is hereby quashed.
- iii. It is made clear that the proceedings against other accused shall continue.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 0