



CNR: KAHC010502622026

NC: 2026:KHC:47403  
CRL.P No. 10960 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**CRIMINAL PETITION NO. 10960 OF 2026**

**BETWEEN:**

SRI. SHASHID AFREEDI @  
SHAHID AFRID PASHA H.A.  
S/O ASLAM PASHA H J,  
AGED ABOUT 29 YEARS,  
R.AT.N ES EXCT BEHIND GOVT. HOSPITAL,  
HOSADURGA,  
CHITRADURGA – 577 527.

...PETITIONER

(BY SRI. SANMUKH REDDY, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
BY HOSADURGA P S,  
REPTD. BY  
THE STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING PREMISES  
BANGALORE – 560 001.
2. SRI.HARISH M.H.,  
S/O NOT MENTIONED IN FIR  
AGED ABOUT 36 YEARS,  
R/O. KASABA IN CHARGE,  
REVENUE INSPECTOR  
TALUK OFFICER,

Digitally  
signed by  
CHETAN B C

Location:  
High Court  
of Karnataka



CNR: KAHC010502622026

NC: 2026:KHC:47403  
CRL.P No. 10960 of 2026

HOSADURGA TOWN,  
CHITRADURGA DISTRICT – 577 527.

...RESPONDENTS

(BY SRI.K.NAGESHWARAPPA, HCGP FOR R1)

THIS CRL.P. IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE FIR IN CRIME NO.357/2025 OF RESPONDENT NO.1 HOSADURGA POLICE STATION WHICH IS REGISTERED FOR OFFENCE P/U/S 192(b), 192(a) OF KARNATAKA LAND REVENUE (AMENDMENT) ACT 2023 AND 329(3) OF BNS 2023 WHICH IS PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND JMFC AT HOSADURGA.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**ORAL ORDER**

The petitioner is before this Court, seeking the following  
prayer:

"Wherefore, the above-named petitioner (Accused No.1) most respectfully prays that this Hon'ble court be pleased to quash the FIR in Crime No.357/2025 of respondent No.1 Hosadurga Police Station, which is registered for offence punishable under sections 192(b), 192(a) of Karnataka Land revenue (Amendment) Act-



CNR: KAHC010502622026

2023 and 329 (3) of B.N.S.-2023 which is pending on the file of the Prl. Civil Judge and JMFC at Hosadurga, in the ends of justice."

2. Heard Sri. Sanmukh Reddy, learned counsel appearing for the petitioner, Sri. K. Nageshwarappa, learned HCGP appearing for respondent No.1 and have perused the material on record.

3. Learned counsel appearing for the petitioner submits that prior to registration of a crime, there is no notice issued and the issue stands completely answered by the judgment rendered by the Co-ordinate Bench in the case of **SMT. LALITHA SASTRY v. STATE OF KARNATAKA – ILR 2008 KAR 4520**, which is considered by this Court in **Crl.P.No.4704/2022** disposed on **27.06.2022**, wherein it has held as follows:

"9. Section 192A of the Act under which proceedings are instituted against the petitioner requires a show cause notice to be issued prior to registration of the crime. The Tahsildar could not have registered the crime without at the outset granting an opportunity of hearing and without conducting any survey in the presence of the petitioner. This is by now too well settled, a principle of law as held by a Coordinate Bench of this Court in the case of **SMT. LALITHA SASTRY v. STATE OF KARNATAKA – ILR 2008 KAR 4520**, wherein the coordinate bench considering this very provision holds as follows:



**CNR: KAHC010502622026**

*"2. The main grievance of the petitioners in all these cases is, they are in occupation of the disputed land in question in their own right. It is not a Government land. They have not encroached upon any portion of the Government land. In fact some of them are purchasers of such lands. They are put in possession by their vendors, on the basis of documents handed over to them at the time of purchase. They are not aware of the factual position and may be innocent also. In spite of the same these proceedings are initiated against them as if they have encroached the Government land which is made an offence now by amendment of the Karnataka Land Revenue Act by introducing Section 192A. Some of them contend if any survey had been conducted with any notice to them and if it was shown to them that the land which is in their occupation or any portion of it is a Government land, they would have surrendered the said land. However, without giving any such opportunity, without conducting any survey in their presence, on the basis of Mahazars conducted, on the basis of documents to which they are not parties, a complaint is lodged by the Tahsildar with the jurisdictional police who in turn has initiated criminal proceedings and charge sheets are filed. Therefore, they seek for quashing of the entire proceedings.*

*3. After notice the Government entered appearance and supported their action. After hearing the matter at length when it was suggested to the Government that an opportunity ought to have been given to these petitioners and persons who are similarly placed, who if they are convinced that they are in occupation of a Government land, without any intention of entering upon the said land or continued to occupy the said land, they may voluntarily give up such possession. Time was taken to consider whether a provision could be made to adjudicate these aspects before initiation of proceedings. Today a memo is filed on behalf of the Government enclosing a circular dated 8.9.2008. The said circular reads as under:—*



CNR: KAHC010502622026

NC: 2026:KHC:47403  
CRL.P No. 10960 of 2026

**“ಕರ್ನಾಟಕ ಸರ್ಕಾರ”**

ಸಂಖ್ಯೆ: ಆರ್‌ಡಿ 674 ಎಲ್‌ಜಿಬಿ 2008 ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,  
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08.09.2008.

**ಸುತ್ತೋಲೆ**

ವಿಷಯ: ಒತ್ತುವರಿಯಾದ ಸರ್ಕಾರಿ ಜಮೀನನ್ನು ತೆರವುಗೊಳಿಸುವ ಬಗ್ಗೆ  
\*\*\*\*\*

ಸರ್ಕಾರಿ ಜಮೀನುಗಳಲ್ಲಿನ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸುವ ಸಲುವಾಗಿ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆಗೆ ತಿದ್ದುಪಡಿ ತಂದು ಕಲಂ 192(ಎ)ರ ಅಡಿಯಲ್ಲಿ ಅಪರಾಧಗಳು ಮತ್ತು ಶಿಕ್ಷೆಗಳು ಎಂಬ ಹೊಸ ಅಧ್ಯಾಯವನ್ನು ಸೇರ್ಪಡೆ ಮಾಡಲಾಗಿರುತ್ತದೆ. ಸದರಿ ತಿದ್ದುಪಡಿ ಕಾಯ್ದೆಯನ್ವಯ ಸರ್ಕಾರಿ ಜಮೀನಿನಲ್ಲಿ ಅನಧಿಕೃತವಾಗಿ ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡಿರುವವರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಗಳನ್ನು ದಾಖಲು ಮಾಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಕಾಯ್ದೆಯ ಅಡಿಯಲ್ಲಿ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಗಳನ್ನು ದಾಖಲು ಮಾಡುವ ಮುನ್ನ ಸಂಬಂಧಿಸಿದವರಿಗೆ ಅವರು ಹೊಂದಿರುವ ದಾಖಲೆಗಳನ್ನು ಹಾಜರು ಪಡಿಸಲು ಒಂದು ಅವಕಾಶವನ್ನು (Opportunity) ನೀಡುವುದು ಅವಶ್ಯವೆಂದು ಸರ್ಕಾರವು ಮನಗಂಡಿದೆ.

ಆದ್ದರಿಂದ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆಯ ಕಲಂ 192(ಎ)ರ ಅಡಿಯಲ್ಲಿ ಒತ್ತುವರಿದಾರರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಗಳನ್ನು ದಾಖಲು ಮಾಡುವ ಮುನ್ನ ಈ ಕೆಳಕಂಡ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಅನುಸರಿಸುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ:-

1. ಸರ್ಕಾರಿ ಜಮೀನನ್ನು ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡಿರುವುದಾಗಿ ತಿಳಿದು ಬಂದ ತಕ್ಷಣ ಅಂಥ ವ್ಯಕ್ತಿ / ಸಂಸ್ಥೆಗೆ ಯಾವ ಆಧಾರದ ಮೇಲೆ ಆ ಸರ್ಕಾರಿ ಜಮೀನಿನ ಸ್ವಾಧೀನವನ್ನು ಹೊಂದಿರುತ್ತೀರಿ ಎಂಬ ಬಗ್ಗೆ ತಿಳಿಸಿ, ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು ಸೂಕ್ತ ವಿವರಣೆಯೊಂದಿಗೆ ಲಿಖಿತ ರೂಪದಲ್ಲಿ 15 ದಿನಗಳೊಳಗಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಲುಪಿಸಲು ತಿಳಿಸತಕ್ಕದ್ದು.

2. ನಿಗದಿತ ಅವಧಿಯೊಳಗೆ ಸಂಬಂಧಿಸಿದ ಒತ್ತುವರಿದಾರರು ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಒದಗಿಸದೇ ಇದ್ದಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿಗದಿತ ಕಾಲಾವಧಿ ಮುಗಿದ ನಂತರ ಒತ್ತುವರಿ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ತನಿಖೆ ನಡೆಸಿ ಒತ್ತುವರಿ ಎಂದು ಕಂಡುಬಂದಲ್ಲಿ ಮಹಜರ್ ಬರೆದು ಅದಕ್ಕೆ ಹಾಜರಿದ್ದ ಗ್ರಾಮಸ್ಥರ ಸಹಿಗಳನ್ನು ಪಡೆದು ತದನಂತರ ಒತ್ತುವರಿದಾರರ ಮೇಲೆ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆ ಕಲಂ 192(ಎ)ರಡಿಯಲ್ಲಿ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಗಳನ್ನು ದಾಖಲಿಸಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದು.

3. ಒತ್ತುವರಿದಾರರು ನೋಟೀಸು ಪಡೆದ ನಂತರ ಕಛೇರಿಗೆ ಭೇಟಿ ನೀಡಿ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದಲ್ಲಿ ಆ ದಾಖಲಾತಿಗಳ ನೈಜತೆಯನ್ನು ವಿವರಣೆಯೊಂದಿಗೆ ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ದಾಖಲಾತಿಗಳನ್ನು ನಕಲು ಅಥವಾ ಸೃಷ್ಟಿತ ಎಂದು ಕಂಡುಬಂದಲ್ಲಿ ಒತ್ತುವರಿದಾರರ ವಿರುದ್ಧ ಭೂ ಕಂದಾಯ ಕಾಯ್ದೆ ಕಲಂ 192(ಎ)ರಡಿಯಲ್ಲಿ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳತಕ್ಕದ್ದು.

ಸಹಿ/-

ಡಿ. ತಂಗರಾಜ್

ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ,  
ಕಂದಾಯ ಇಲಾಖೆ (ಭೂ.ಮಂ.).

ಇವರಿಗೆ,

- 1) ಎಲ್ಲಾ ಪ್ರಾದೇಶಿಕ ಆಯುಕ್ತರು.
  - 2) ಎಲ್ಲಾ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು.
  - 3) ಎಲ್ಲಾ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು.
  - 4) ಎಲ್ಲಾ ತಹಶೀಲ್ದಾರರು.
  - 5) ಹೆಚ್ಚುವರಿ ಪ್ರತಿ.
- } ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಮೂಲಕ



**CNR: KAHC010502622026**

*4. From the aforesaid circular it is clear the Government is now convinced that an opportunity should be given to all those alleged encroachers of Government land before any proceedings are initiated under Section 192 A of the Act. In fact it stipulates a procedure under which a show cause notice is to be given calling upon those alleged encroachers to file their objections within 15 days. If no objections are received authorities are called upon to visit the spot, conduct a Mahazar in the presence of the villagers, obtain their signatures and thereafter to initiate criminal proceedings if they are satisfied that there is encroachment. In the event of alleged encroachers producing documents to examine the same and only in the event of the said documents are found to be fabricated or duplicate, to initiate proceedings under Section 192A of the Act. In fact the said procedure contemplated by the Government satisfy the requirement of principles of natural justice, an opportunity is given to these persons to realise whether they have occupied a Government land and if they are convinced to surrender possession to avoid criminal prosecution. That would meet the ends of justice. In that view of the matter, as the criminal prosecution is launched against all these petitioners without affording an opportunity to have their say and in the light of the circular which is passed by the Government, these proceedings cannot be sustained.*

*5. In W.P. Nos. 3969/2007, 1023/2008 and 3550/2008 the petitioners have also challenged the constitutional validity of the said circular. However, for the time being they submit they would not press the said point. Therefore, the constitutional validity of the said provision is not considered."*

In the light of the undisputed facts, neither a notice nor a survey was conducted by the Tashildar before registering the crime, the very registration of crime runs foul of the afore-quoted judgment of the Coordinate Bench. In the reply also, it is the case of the petitioner that she has not formed any layout for initiation of proceedings under Section 192A of the Act.

10. In the light of the judgment rendered by the Coordinate Bench and the facts obtaining in the case at hand, if further proceedings are permitted to continue, it would become an abuse of the process of law.



CNR: KAHC010502622026

NC: 2026:KHC:47403  
CRL.P No. 10960 of 2026

11. For the aforesaid reasons, I pass the following:

**ORDER**

- (i) The Writ Petition is allowed.
- (ii) The FIR registered by the Vidyaranyapura Police in Crime No.148 of 2020 pending before the XLI Additional Chief Metropolitan Magistrate, Nrupatunga Road, Bengaluru, is quashed.
- (iii) Liberty is reserved to the State or its authorities to comply with the requirements as contemplated in the circular before initiating any action against the petitioner, if need arise."

4. For the aforesaid reasons, the following:

**ORDER**

- (i) The petition is allowed.
- (ii) The FIR registered by the Hosadurga Police Station in Crime No.357/2025 pending before the Principal Civil Judge and JMFC, Hosadurga, is quashed.
- (iii) Liberty is reserved to the State or its authorities to comply with the requirements as contemplated in the



**NC: 2026:KHC:47403**  
**CRL.P No. 10960 of 2026**

**CNR: KAHC010502622026**

circular before initiating any action  
against the petitioner, if need arise.

**Sd/-**  
**(M.NAGAPRASANNA)**  
**JUDGE**

SJK  
List No.: 1 Sl No.: 27