



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10094 OF 2023

BETWEEN:

1. SRI. SRIDHARA
SON OF SHIVANNA
AGED ABOUT 33 YEARS
R/AT KALATTURU VILLAGE
HOSAKOTE TALUK
BEGNALURU RURAL DISTRICT - 562 114.
2. SRI. JAGADESHA
SON OF UTHANALAPPA
AGED ABOUT 37 YEARS
R/AT BAGALUR VILLAGE
SULLIBELE HOBLI,
HOSAKOTE TALUK,
BENGALURU DISTRICT - 562 114.

...PETITIONERS

(BY SRI. MANJUNATHA M.V, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SULIBELE POLICE
BANGALORE DISTRICT
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

Digitally
signed by
PADMAVATHI
B K

Location: High
Court of
Karnataka



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

2. SRI. P. BASAVARAJU
SON OF P. PRAHALLADHA SHETTY
AGED ABOUT 54 YEARS
R/AT NO. 66, DODDA BASAVESHWAR NILAYA
RAGHAVENDRA COLONY,
1ST STAGE, BELLARY TOWN
BELLARY TALUK AND DISTRICT - 583 101.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1;
SRI. SUBRAMANYA HEGDE, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR IN CR.NO.92/2023 REGISTERED BY THE
RESPONDENT NO.1 SULIBELE POLICE ON 24.06.2023 FOR THE
ALLEGED OFFENCE P/U/S.419, 465, 468, 471, 34, 420 OF IPC
PENDING ON THE FILE OF THE HONBLE PRINCIPAL CIVIL
JUDGE (Jr.Dn.) AND JMFC AT HOSAKOTE BENGALURU RURAL
DISTRICT AGAINST THE PETITIONER/ACCUSED NO.7 AND 8.

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

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

ORAL ORDER

The petitioners are accused Nos.7 and 8. They stand at
the doors of this Court calling in question the registration of a
crime in crime No.92/2023 registered for offences punishable



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

under Sections 34, 419, 420, 465, 468 and 471 of the Indian Penal Code, 1860 ('the IPC' for short).

2. Heard Sri. Manjunatha M.V., learned counsel appearing for the petitioners; Sri. K. Nageshwarappa, learned High Court Government Pleader appearing for respondent No.1 and Sri. Subramanya Hegde, learned counsel appearing for respondent No.2.

3. The complaint is common, as is in Crl.P.No.10272/2023 disposed on 28.07.2026. The complaint which reads as follows:

"ರವರಿಗೆ,

ದಿನಾಂಕ : 24.06.2023

ತಾಣಾಧಿಕಾರಿಗಳು,

ಸೂಲಿಬೆಲೆ ಪೋಲೀಸ್ ಠಾಣೆ,

ಬೆಂಗಳೂರು

ಇಂದ,

ಪಿ.ಬಸವರಾಜು ಬಿನ್ ಶ್ರೀ ಪಿ.ಪ್ರಹ್ಲಾದ ಶೆಟ್ಟಿ

ವಯಸ್ಸು ಸುಮಾರು 54 ವರ್ಷಗಳು,

ಸಂಖ್ಯೆ :66 ದೊಡ್ಡಬಸವೇಶ್ವರ ನಿಲಯ, ರಾಘವೇಂದ್ರ ಕಾಲೋನಿ,

ಮೊದಲನೇ ಹಂತ, ಬಳ್ಳಾರಿ 583101 ಫೋನ್ ನಂ 9845278019,

9620189093

ಮಾನ್ಯರೇ,



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

ವಿಷಯ :ನಕಲಿ ಸಹಿ ಮಾಡಿ ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ ಹೊಸಕೋಟೆ ತಾಲ್ಲೂಕು, ಸೊಲಿಬೆಲೆ ಹೋಬಳಿ ಬಾಗಲೂರು ಗ್ರಾಮದ ಸರ್ವೆ ಸಂಖ್ಯೆ: 6ರ ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 4 ಎಕರೆ 17 ಗುಂಟೆ ಇದರಲ್ಲಿ 1 ಎಕರೆ ನಾಲ್ಕು ಗುಂಟೆಯ ಪೈಕಿ 22 ಗುಂಟೆ ಜಾಗ ನನ್ನ ಸ್ವತ್ತನ್ನು ಮೂರನೆಯರಿಗೆ ಮಾರಾಟ ಮಾಡಿರುವ ಕುರಿತು.

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಾನು ಈ ಮೇಲ್ಕಂಡ ಸ್ವತ್ತಿನ 2 ಮಾಲೀಕನಿದ್ದು, ಖಾತಾ, ಕಂದಾಯ ಪಾವತಿ ಮಾಡಿಕೊಂಡು ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನದಲ್ಲಿರುತ್ತೇನೆ.

ಈ ಸ್ವತ್ತನ್ನು ದಿನಾಂಕ : 18.12.2014 ರಂದು ನಾನು ಖರೀದಿ ಮಾಡಿರುತ್ತೇನೆ ಈ ಸಂಬಂಧ ಪಟ್ಟ ಕ್ರಯಪತ್ರದ ಸಂಖ್ಯೆ : HSK-1-04423-2021-22 ಸಿ. ಡಿ. ನಂ.HSKD1331 ನೇ ದಿನಾಂಕ 25.08.2021 ರಂದು ನೋಂದಾಯಿಸಲಾಗಿದೆ. ನಾನು ಈ ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ.

ಇತ್ತೀಚೆಗೆ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದೆ. ಋಣಭಾರ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ತೆಗೆಸಿ ನೋಡಿದಾಗ ನನ್ನ ಹೆಸರಿನಲ್ಲಿರುವ ಸ್ವತ್ತನ್ನು ಯಾವುದೋ ಅನಾಮಿಕ ವ್ಯಕ್ತಿ, ನನ್ನ ಸಹಿಯನ್ನು ನಕಲು ಮಾಡಿ, ನಕಲಿ ಗುರುತಿನ ಚೀಟಿಯನ್ನು ಹಾಜರುಪಡಿಸಿ ಆ ವ್ಯಕ್ತಿಯೇ ಬಸವರಾಜ ಎಂದು ಸೋಗು ಹಾಕಿ (Impersonate) (1) ಶಶಿಕುಮಾರ್ ಬಿ, ತಂ.ಕೊಪ್ಪ ನಂಜಪ್ಪ ಬಸಯ್ಯ, (2) ಸುಜಯ್ . ಎಸ್.ತಂ.ಶಶಿಕುಮಾರ್ (3) ಪುಷ್ಪಾಂಜಲಿ ಎನ್ನುವರಿಗೆ, ಅವರ ಜೊತೆ ಸೇರಿ ಕುತಂತ್ರ ಮಾಡಿ, ನೋಂದಾಯಿತ ಕ್ರಯಪತ್ರದ ದಿನಾಂಕ 15.10.2022 ರ ಪ್ರಕಾರ ಮಾರಾಟ ವಹಿವಾಟು ನಡೆದಿರುತ್ತದೆ. ಸದರಿ, ಮಾರಾಟ ಪತ್ರ/ HSK-1-10212/2022-23, ಸಿಡಿ ಸಂಖ್ಯೆ ಹೆಚ್ ಎಸ್‌ಕೆಡಿ 1669 ರಂತೆ ಹೊಸಕೋಟೆ ಉಪನೋಂದಣಾಧಿಕಾರಿಗಳ ಕಛೇರಿಯಲ್ಲಿ ನೋಂದಣಿಯಾಗಿರುತ್ತದೆ.

ಈ ಮೇಲಿನ ವಹಿವಾಟನ್ನು ನೋಡಿದಾಗ ನನಗೆ ಅಘಾತವಾಗಿರುತ್ತದೆ. ಮಾರಾಟ ಮಾಡಿದ ಅನಾಮಿಕ ನಕಲಿ ವ್ಯಕ್ತಿಯಾಗಲೀ, ಖರೀದಿದಾರಗಲೀ ನನಗೆ ಪರಿಚಯವಿರುವುದಿಲ್ಲ, ನಕಲಿ ದಾಖಲೆಗಳನ್ನು ಸೃಷ್ಟಿಸಿ ಅದನ್ನು ಉಪನೋಂದಣಾಧಿಕಾರಿ ಹೊಸಕೋಟೆ ಇಲ್ಲಿ ಸಲ್ಲಿಸಿ ಬರೋಬ್ಬರಿ ರಿಜಿಸ್ಟರ್ ಮಾಡಿಸಿ ನನಗೆ ಮೋಸ ಮಾಡಿರುತ್ತಾರೆ, ದೂರುದಾರನಾದ ನಾನು ಅಮಾಯಕನಿದ್ದು, ನನಗೆ ಅನ್ಯಾಯವಾಗಿರುತ್ತದೆ. ಮೋಸ ಮಾಡಿದ ವ್ಯಕ್ತಿಗಳ ಹೆಸರು ಹಾಗೂ ಅವರ ವಿಳಾಸ ಈ ಕೆಳಗಿನಂತೆ ಇರುತ್ತದೆ.



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

1. ಆರ್. ಈಶ್ವರ್ ರಾವ್, ಅನುಗ್ರಹ ಗ್ರೀನ್ ಎಲ್ಲೆ ಪ್ರೈವೇಟ್ ಲಿ.ಮಿ.ಟೆ.ಡ್.
ಇಂದಿರಾ ನಗರ ಬೆಂಗಳೂರು
2. ಶ್ರೀನಿವಾಸ, ಹೊಸಕೋಟೆ
3. ಗಂಗರಾಜು,
4. ಶಶಿಕುಮಾರ್ ಬಿ. ತಂ. ಶ್ರೀ ಕೊಪ್ಪ ನಂಜಪ್ಪ ಬಸವಯ್ಯ, ವಯಸ್ಸು
ಸುಮಾರು 52 ವರ್ಷಗಳು, ಪಾನ್ ಸಂಖ್ಯೆ : ಎವೈಎಂಪಿಎಸ್ 2129ಜೆ,
ಆಧಾರ್ ಸಂಖ್ಯೆ : 8799 0658 7263
5. ಪುಷ್ಪಾಂಜಲಿ ಬಿ.ಟಿ.ಕೋಂ. ಶಶಿಕುಮಾರ್ ಬಿ. ವಯಸ್ಸು ಸುಮಾರು 49
ವರ್ಷಗಳು, ಆಧಾರ್ : 2177 4147 3661
6. ಸುಜಯ್ ಎಸ್.ತಂ.ಬಿ. ಶಶಿಕುಮಾರ್, ವಯಸ್ಸು ಸುಮಾರು 21 ವರ್ಷಗಳು.
ಆಧಾರ್ ಸಂಖ್ಯೆ : ಭಂಗ 5841 8249 3476 ಲ್ಲರ ವಾಸ 4ನೇ ಮುಖ್ಯರಸ್ತೆ,
ಎಸ್.ಜೆ.ಇ.ಎಸ್. ಕಾಲೇಜು ಹತ್ತಿರ, ಶಾಂತಿ ನಿರ್ಮಿತನ ಲೇಔಟ್,
ಬೆಂಗಳೂರು - 560049
7. ಶ್ರೀಧರ್, ಕಲತ್ತೂರು, ಹೊಸಕೋಟೆ ತಾಲ್ಲೂಕು
8. ಜಗದೀಶ್ ಬಿ.ತಂ. ಉತ್ತಾನಂದಪ್ಪ, ಬಾಗಲೂರು, ಹೊಸಕೋಟೆ ತಾಲ್ಲೂಕು.

ಈ ಮೇಲೆ ಹೇಳಿದ ವ್ಯಕ್ತಿಗಳ ಬಗ್ಗೆ ಕಾನೂನು ಪ್ರಕಾರ ತನಿಖೆ ನಡೆಸಿ, ತಪ್ಪಿಸತ್ತ ವ್ಯಕ್ತಿಗಳ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇವೆ. ಇದರೊಂದಿಗೆ ಋಣಭಾರ ಪ್ರಮಾಣ ಪತ್ರ, ಈ ಹಿಂದಿನ ಕ್ರಯಪತ್ರ, ನಕಲಿ ಕ್ರಯಪತ್ರದ ಪ್ರತಿ ಗಳನ್ನು ಲಗತ್ತಿಸಿರುತ್ತೇನೆ."

The complaint narrates that accused Nos.7 and 8, Sridhara and Jagadesha are attesting witnesses to the said document. This is an admitted position.

4. A perusal at the sale deed that is appended to the petition would also indicate that the fact that the petitioners/ Sridhara and Jagadesha are attesting witnesses. In the light of



CNR: KAHC010527922023

the petitioners being attesting witnesses, no investigation can be permitted against them, as no allegation which would become the offence is attributable to them.

5. The issue is whether a witness can be drawn into the web of proceedings for the reason of signing the document as an attesting witness is no longer *res integra*. This Court in the case of **O.L. RAJENDRA Vs. STATE OF KARNATAKA & ANOTHER** in **Crl.P.No.2816/2017** disposed on 25.11.2021 has held as follows:

"12. A perusal of the afore-extracted column No.17 of the charge sheet would indicate in the aftermath of the investigation also the Police filed a charge sheet indicating that an endorsement was issued by the office of the Tahsildar that no conversion order was passed in respect the subject lands and on the same day the 8th accused stole the papers from the table of the Tahsildar, on 20-02-2010 created a document of conversion and executed a sale deed. Insofar as the petitioner is concerned there is no allegation that he is a party to any of these transactions. He is only arrayed as accused as he is an attesting witness. On filing of the charge sheet, the petitioner filed an application for discharge from the proceedings. The application for discharge was partly allowed concerning Section 471 and offences punishable under Sections 379 and 149 of the IPC were sustained to be tried. This was challenged before the Sessions Court by invoking Section 397 of the Cr.P.C. by filing criminal revision petition. The Sessions Court dismissed the revision petition filed by the petitioner notwithstanding the finding that no statement of witnesses has implicated the petitioner. Paragraphs 18 in the order in the revision petition reads as follows:



CNR: KAHC010527922023

"18. No doubt in the statement of the witnesses they have not stated that the present petitioner has stolen the said document. But, it is the specific case of the prosecution that all the accused in furtherance of their common object with an intention to create some documents, have stolen or committed theft of the unsigned endorsement dated 4-01-2010 from the office of Tahsildar, Davangere. So, that is sufficed to frame the charge against the present petitioner also. So, the learned Magistrate considering Section 300 of Cr.P.C., and the decision relied by the prosecution and also the charge sheet filed in this case for the offence punishable under Section 379 read with Section 149 of the IPC and the charge sheet filed before the Chitradurga JMFC court for different offences, has rightly hold that Section 300 of Cr.P.C. is not attracted to the present case. The learned Magistrate has discussed the provisions and considering the decisions relied by both the sides has rightly hold that there is material to frame the charge against the accused for the offence punishable under Section 379 r/w Section 149 of IPC. The decisions relied by the learned counsel for the revision petitioner are not come to the help of the revision petitioner. Taking into consideration all these aspects, I hold that the learned Magistrate has not committed any error in holding that there is material to frame the charge against the accused for the offence punishable under Section 379 read with Section 149 of IPC. So, impugned order does not require interference by this Court. Accordingly, I answer point No.1 in the negative."

(Emphasis added)

13. Section 3 of Transfer of Property Act, 1882 reads as follows:

"3. Interpretation clause.—In this Act, unless there is something repugnant in the subject or context,—

"immoveable property" does not include standing timber, growing crops or grass;



CNR: KAHC010527922023

"instrument" means a non-testamentary instrument;

1["attested", in relation to an instrument, means and shall be deemed always to have meant attested by two or more witnesses each of whom has seen the executant sign or affix his mark to the instrument, or has seen some other person sign the instrument in the presence and by the direction of the executant, or has received from the executant a personal acknowledgement of his signature or mark, or of the signature of such other person, and each of whom has signed the instrument in the presence of the executant; but it shall not be necessary that more than one of such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary;]

"registered" means registered in 2[3[any part of the territories] to which this Act extends] under the law4 for the time being in force regulating the registration of documents;

"attached to the earth" means—

(a) rooted in the earth, as in the case of trees and shrubs;

(b) imbedded in the earth, as in the case of walls or buildings; or

(c) attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached;"

What can be gathered from Section 3 of the Transfer of Property Act is that two or more witnesses have seen the executant sign the instrument and in affirmation of this fact each of them have signed the instrument in the presence of the executant. Therefore, the witness cannot be seen to be privy to the contents of the document. The Apex Court in the case of **M.L. ABDUL JABBAR SAHIB v. M.V. VENKATA SASTRI**



CNR: KAHC010527922023

AND SONS¹ delineates the role of the witness to a document interpreting Section 3 of the Transfer of Property Act as follows:

"7. Section 3 of the Transfer of Property Act gives the definition of the word "attested" and is in these words:

" 'Attested' in relation to an instrument, means and shall be deemed to have meant attested by two or more witnesses each of whom has seen the executant sign or affix his mark to the instrument, or has seen some other person sign the instrument in the presence and by the direction of the executant, or has received from the executant a personal acknowledgment of his signature or mark, or of the signature of such other person, and each of whom has signed the instrument in the presence of the executant; but it shall not be necessary that more than one of such witnesses shall have been present at the same time and no particular form of attestation shall be necessary."

In the light of the judgment of the Apex Court an attesting witness need not be privy to the contents of the document unless he is signing the document in any other capacity.

14. The Apex Court in the latest judgment reported in **M.SRIKANTH v. STATE OF TELANGANA²** while affirming the finding of the High Court of Telangana which had quashed proceedings against attesting witnesses holds as follows:

"26. We fail to understand, as to how after observing the aforesaid, the learned Judge could have refused to quash the proceedings against Accused 4. Not only that, but on the basis of the said observations, the learned Judge himself has observed that it will not be in the interest of justice to permit the police authorities to arrest the accused for the purposes of investigation. We are of the considered view, that the learned Judge, having found that the entire allegations with regard to

¹ **1969 (1) SCC 573**

² **(2019) 10 SCC 373**



CNR: KAHC010527922023

forgery and fabrication and Accused 1 executing the lease deed on the basis of the said forged and fabricated documents were only against Accused 1, ought to have exercised his jurisdiction to quash the proceedings qua Accused 4 also. We find that the learned Judge ought to have applied the same parameters to the present Accused 4, which had been applied to the other accused whose applications were allowed.

27. Insofar as the criminal appeals arising out of the special leave petitions filed by the original complainant is concerned, we absolutely find no merit in the appeals. The learned Single Judge has rightly found that there was no material to proceed against Accused 5 — HPCL and its officers Accused 6 and 9 as also Accused 7 and 8, who have been roped in, only because they were the attesting witnesses. The learned Single Judge has rightly exercised his jurisdiction under Section 482 CrPC.

28. Insofar as original Accused 4 is concerned, we have no hesitation to hold, that his case is covered by categories (1) and (3) carved out by this Court in Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] . As already discussed hereinabove, even if the allegations in the complaint are taken on its face value, there is no material to proceed further against Accused 4. We are of the considered view, that continuation of criminal proceedings against Accused 4, M. Srikanth, would amount to nothing else but an abuse of process of law. As such, his appeal deserves to be allowed."

(Emphasis supplied)

The Apex Court holds that HPCL and its officers/accused 6 and 9 as also accused 7 and 8, who have been roped into a criminal proceeding only because they were attesting witnesses. The Apex Court affirms the order passed by the High Court of Telangana quashing proceedings against attesting witnesses.

15. It is also germane to notice the judgment of the Apex Court in the case **HEMKUNWAR BAI v.**



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

SUMERSINGH AND OTHERS³ with regard to the role of attesting witnesses in the execution of a document. The Apex Court holds as follows:

"The main issue is whether Ratankuwarbai, who was an illiterate lady and suffering from cancer, has executed these documents or not. The defendants examined Antar Singh and Laxman Singh who are witnesses to all the three documents. As far as Laxman Singh is concerned, he clearly stated that at the time of registration of the sale deeds and the Will, the sub-Registrar concerned had read out the subject matter of the three documents in short to Ratankuwarbai. He also heard the sub-Registrar at that time. It has been contended that both these witnesses have stated that they were not aware of the contents of the documents, when they signed as witnesses. **The witnesses need not necessarily know what is contained in the documents.** Furthermore, when these witnesses state that the Sub-Registrar had told the gist of the documents to the deceased then they become aware of the nature of the documents at the time of registration thereon. In fact both Antar Singh and Laxman Singh had deposed with regard to transfer of the consideration."

(Emphasis supplied)

16. The Apex Court clearly holds that the witnesses need not necessarily know what is contained in the document except what was brought out in the evidence. But, the evidence in the case at hand even during the investigation does not divulge any other role of the petitioner beyond that is indicated in Column 17 of the charge sheet which nowhere mentions the name of the petitioner. The revisional Court also holds that no witness has stated that the petitioner is a party to any of the proceedings of crime. Having said so, the revisional Court ought to have discharged the petitioner for the offences punishable under Section 379 and 149 of the IPC, as without doubt the incidents narrated will not and cannot link the petitioner with the offence punishable under Section 379 or Section 149 of the IPC as he is only an attesting witness. Permitting the trial to continue

³ *Civil Appeal No.8827 of 2011 decided on 25th September, 2019*



CNR: KAHC010527922023

against the petitioner would without doubt result in miscarriage of justice and an abuse of the process of law. Abuse of the process of law has several hues and forms.

17. The Apex Court in the case of **CHANDRAN RATAN SWAMY V. K.C.PALANI SWAMY**⁴ while quoting the judgments rendered by the Supreme Court of England, has held as follows:

"35. In Hui Chi-ming v. R. [(1992) 1 AC 34 : (1991) 3 WLR 495 : (1991) 3 All ER 897 (PC)] , the Privy Council defined the word "abuse of process" as something so unfair and wrong with the prosecution that the court should not allow a prosecutor to proceed with what is, in all other respects, a perfectly supportable case.

36. In the leading case of R. v. Horseferry Road Magistrates' Court, ex p Bennett [(1994) 1 AC 42 : (1993) 3 WLR 90 : (1993) 3 All ER 138 (HL)] , on the application of abuse of process, the court confirms that an abuse of process justifying the stay of prosecution could arise in the following circumstances:

(i) where it would be impossible to give the accused a fair trial; or

(ii) where it would amount to misuse/manipulation of process because it offends the court's sense of justice and propriety to be asked to try the accused in the circumstances of the particular case.

37. In R. v. Derby Crown Court, ex p Brooks [(1984) 80 Cr App R 164 (DC)] , Lord Chief Justice Ormrod stated:

"It may be an abuse of process if either (a) the prosecution has manipulated or misused the process of the court so as to deprive the defendant of a protection provided by law or to take unfair advantage of a

⁴ (2013)6 SCC 740



CNR: KAHC010527922023

technicality, or (b) on the balance of probability the defendant has been, or will be, prejudiced in the preparation of conduct of his defence by delay on the part of the prosecution which is unjustifiable.”

....

39. This Court in *State of Karnataka v. L. Muniswamy* [(1977) 2 SCC 699 : 1977 SCC (Cri) 404] , observed that the wholesome power under Section 482 CrPC entitles the High Court to quash a proceeding when it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the court or that the ends of justice require that the proceeding ought to be quashed. The High Courts have been invested with inherent powers, both in civil and criminal matters, to achieve a salutary public purpose. **A court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. The Court observed in this case that ends of justice are higher than the ends of mere law though justice must be administered according to laws made by the legislature.** It was held in this case: (SCC p. 703, para 7)

“7. ... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to laws made by the legislature. The compelling necessity for making these observations is that without a proper realisation of the object and



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

purpose of the provision which seeks to save the inherent powers of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction."

(Emphasis supplied)

The principal laid down in the aforesaid case has been followed in plethora of judgments by the Apex Court.

18. In the light of the facts obtaining in the case at hand, the afore-quoted judgments of the Apex Court and the principles laid down therein, continuing the impugned proceedings against the petitioner would degenerate into harassment. This Court in exercise of its jurisdiction under Section 482 of Cr.P.C., would not permit such proceedings to continue which would result in miscarriage of justice or be an abuse of the process of the law.

19. For the aforesaid reasons, the following:

ORDER

i. Criminal Petition is allowed.

ii. Proceedings in C.C.No.224/2014 pending before the J.M.F.C., III Court, Davanagere stands quashed qua the petitioner.

The observation made in the course of this order is only for the purpose of consideration of the case under Section 482 of Cr.P.C., the same shall not bind or influence the criminal Court in the conduct of trial against any other accused."

6. In the light of the facts obtaining in the case at hand, the afore-quoted judgments of the Apex Court and the principles laid down therein, continuing the impugned



CNR: KAHC010527922023

NC: 2026:KHC:39100
CRL.P No. 10094 of 2023

proceedings against the petitioners would degenerate into harassment. This Court in exercise of its jurisdiction under Section 482 of Cr.P.C., would not permit such proceedings to continue which would result in miscarriage of justice or be an abuse of the process of the law.

7. For the aforesaid reasons, the following:

ORDER

- (i) Criminal petition is ***allowed***.
- (ii) The investigation in crime No.92/2023 pending on the file of Principal Civil Judge (Jr. Dn.) and JMFC at Hosakote, Bengaluru Rural District, *qua* accused Nos.7 and 8 stands quashed.

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

JY
List No.: 2 Sl No.: 0