



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 14091 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

SRI BHAVANI RAO
S/O SRI G.M SHESHAPPA
AGED ABOUT 70 YEARS
RETIRED EMPLOYEE
R/AT DOOR NO.701,
'B' ESTEEM EMBLEM HUSKUR ROAD
NEAR FRUIT MARKET
ANANTH NAGAR PHASE 2
KAMMASANDRA, BANGALORE
PIN CODE 560100

...PETITIONER

(BY SRI. ASWATHANARAYANA REDDY., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
REP BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001.
2. SRI NAGARAJ H
S/O LATE N HANUMANTHAPPA
AGED ABOUT 67 YEARS
NO.1853, ABHISHTA, 2ND MAIN
6TH CROSS, NYAYANGA BADAVANE
YELAHANKA, DAVANAGERE
PIN CODE 560065

...RESPONDENTS

(BY SRI. RANJITH KUMAR.N., HCGP FOR R1;
SRI. B. RAMESH., ADVOCATE FOR R2)



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO CALL FOR THE ENTIRE RECORDS IN CRIME NO.0066/2025 IN FIR NO. NO.66/2025, ON THE FILE OF THE HONBLE IV ADDL. CIVIL JUDGE AND JMFC COURT, AT DAVANAGERE, DAVANAGERE DISTRICT AND TO QUASH THE ENTIRE PROCEEDINGS IN THE INTEREST OF JUSTICE AND EQUITY AND FAIR PLAY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;

- i. *Call for the entire records in Crime No.0066/2025 in FIR no. no.66/2025, on the file of the Honble IV Addl. Civil Judge and JMFC Court, at Davanagere, Davanagere District and to quash the entire proceedings in the interest of justice and equity and fair play.*
- ii. *To pass an order to Quash the FIR and complaint dated 10.07.2025 in Crime/FIR No.0066/2025 on the File of the Hon'ble IV the Additional Civil Judge and JMFC Court at Davanagere, Davanagere District, Gandhinagar P.S. for the O/P/U/S 419, 420, 465, 468, 471, 34 of IPC 1860 in so far as the petitioner is concerned.*
- iii. *To pass such other order as it deems fit in the interest of justice.*

2. Respondent No.2 lodged a complaint on 10.07.2025 alleging that property bearing Site Nos.11 and 12, situated in Survey Nos.155/B and 155/C of



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

Davanagere Taluk, Kasaba Hobli, Yarragunte Village, had been purchased by the father of the petitioner from Sri. M. Nagendrappa under transactions dated 08.04.1999, at the rate of Rs.30,500/- per site.

3. The father of the petitioner is stated to have died on 18.03.2004. Thereafter, the surviving wife, stated to be the mother of respondent No.2, died on 21.01.2019. It is the case of respondent No.2 that, for the purpose of carrying out the necessary revenue entries in respect of the properties, the original title documents relating to the said properties were handed over to the petitioner.
4. According to respondent No.2, despite the passage of several years, the necessary entries were not completed. When respondent No.2 approached the petitioner and sought an explanation, the petitioner is stated to have informed him that the work was in progress. When the original documents were thereafter sought to be returned, the petitioner allegedly stated that the documents were lying somewhere and could not be traced.
5. It is thereafter alleged that respondent No.2 came to know that a General Power of Attorney had been fabricated on 16.03.2019 and that, on the basis of



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

the said document, transactions had been effected in respect of the aforesaid properties.

6. Insofar as Site No.11 is concerned, it is alleged that a Sale Deed came to be registered on 29.02.2020 for a consideration of Rs.7,95,000/-. The said property was thereafter allegedly sold again on 22.02.2021 for a consideration of Rs.8,00,000/-.
7. Insofar as Site No.12 is concerned, it is alleged that a Sale Deed came to be executed on 16.03.2019 for a consideration of Rs.7,95,000/-. The said property was thereafter allegedly sold again on 03.06.2023 for a consideration of Rs.8,00,000/-.
8. On the basis of the aforesaid allegations, respondent No.2 alleged that the properties had been dealt with on the basis of fabricated documents and that the persons involved had committed offences punishable under Sections 419, 420, 465, 471 and 34 of the Indian Penal Code.
9. Pursuant to the complaint, the jurisdictional police registered Crime No.66 of 2025 against six persons for the aforesaid offences. The petitioner has been arrayed as accused No.3.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

10. The submission of Sri.Aswathnarayana Reddy.,
learned counsel for the petitioner is that;

10.1.A careful reading of the entire complaint does
not disclose any offence which has been
committed by the petitioner or is alleged to
have been committed by the petitioner. The
only allegation against the petitioner is that the
original documents had been handed over to
the petitioner. Thereafter, though, there are
various references made to the General Power
of Attorney and sale deeds. There is no
involvement of the petitioner which is alleged
insofar as those actions are concerned.

10.2.He therefore submits that the petitioner not
being involved in the creation of the General
Power of Attorney and/or the subsequent to
aforesaid sale deeds, the petitioner not having
derived any benefit therefrom, the petitioner
could not have been made part of the criminal
complaint and arrayed as accused No.3.

10.3.His submission is that a perusal of the
complaint does not indicate when the original
documents had been handed over, what
original documents had been handed over,



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



where it was handed over and as such and subsequently when it was demanded, where it was demanded, there is no particular allegation which is supported by any fact and/or document. It is only vague allegations which are contained in the complaint. On that ground he submits that criminal proceedings cannot continue against the petitioner.

10.4. He relies upon the decision of the Hon'ble Apex Court in ***Chanchalpati Das v. State of W.B.*** reported in **(2023) 20 SCC 120** more particularly para 17 thereof, which is reproduced hereunder for easy reference;

17. In any case, there is nothing to suggest from the other documents on record of the instant appeals that the investigating officer had even bothered to collect any cogent or substantive evidence against the appellants to prosecute them for the alleged offences. There was no expert opinion obtained or scientific evidence collected on the documents allegedly forged to show as to by whom, when and how the theft of vehicle and forgery of documents were committed. Under the circumstances, allowing such prosecution to continue would not only be an empty formality but would be gross wastage of court's precious time.

10.5. By relying on ***Chanchalpati Das*** he submits that in the present case also, the allegations relate to the alleged fabrication of the General





CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

Power of Attorney and the subsequent Sale Deeds. However, the investigating agency has not collected any cogent or substantive material to establish that the petitioner was involved in the creation or use of the alleged forged documents.

10.6. It is further submitted that there is no material, including any expert opinion or other scientific evidence, to establish the circumstances in which the alleged General Power of Attorney came to be created, who actually prepared or executed the document, or what role is attributable to the petitioner in relation to the same.

10.7. Learned counsel submits that the petitioner has been arrayed as accused No.3 merely on the basis of the allegations made by respondent No.2, without any independent material collected during investigation connecting the petitioner with the alleged offences.

10.8. He relies upon the decision of the Hon'ble Apex Court in ***Urmila Devi & Ors., Vs. Balram & Ano.,*** reported in ***AIR 2025 SC 3526*** more



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

particularly para 8.5, 8.6 and 9 thereof, which is reproduced hereunder for easy reference;

8.5. *Upon appreciating the facts and circumstances, we do not find that the offences aforementioned are made out in the present case. Neither do we find any criminal breach of trust nor do we find any cheating by impersonation. We also do not find any cheating and dishonestly inducing delivery of property. In these circumstances, we fail to see how it could be alleged that the accused-appellants cheated and dishonestly induced the complainant-respondent No. 1.*

8.6. *It is writ large on the face of the record that the complaint case has been employed as a circuitous tool to abuse the process of law, especially after the complainant-respondent No. 1 failed to pursue the remedies available to it. The chronology of events indicates that the criminal proceedings in the year 2001 were instituted only after approximately seven years of the mutation order dated 27.09.1994, four years after the ex-parte ad-interim order issued on 30.07.1997 and three years after the rejection of the objections to the Mutation Order vide Order dated 09.01.1998.*

9. *On a careful consideration of the aforementioned judicial dicta, we find that none of the offences alleged against the accused-appellants herein are made out. The instant case is just another one in a string of cases filed in recent years that seek to disguise a civil dispute as criminal. The complaint case against the accused-appellants has been pending for over two decades and its continuation would not serve any purpose. The observations made by this Court in Madhavrao Jiwajirao Scindia inform our decision and the judgment of this Court in the case of Bhajan Lal and particularly sub-paragraphs 1, 3, 5 and 7 of paragraph 102*



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

extracted above, squarely apply to the facts of this case. In our view, it is in the interest of justice that present proceedings be quashed.

10.9. By relying on **Urmila Devi** he submits that the present case also arises out of a dispute concerning the ownership and transfer of immovable property. The foundation of the complaint is the allegation that certain documents relating to the properties were fabricated and that, on the basis of such documents, subsequent Sale Deeds came to be executed.

10.10. Learned counsel submits that the allegations against the petitioner do not disclose the essential ingredients of the offences alleged. In particular, there is no material to show that the petitioner had participated in the creation of the alleged forged General Power of Attorney, had impersonated any person, or had dishonestly induced respondent No.2 to deliver any property.

10.11. It is further submitted that the subsequent transactions concerning the properties are matters which are capable of being adjudicated in appropriate civil proceedings and that the



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



HC-KAR

CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

criminal process cannot be permitted to be used merely as a means of resolving or exerting pressure in respect of such property disputes.

10.12. Learned counsel further submits that the chronology of the transactions is also material. The original transactions in respect of the properties took place in the year 1999, the alleged General Power of Attorney is stated to have been created in 2019 and the subsequent Sale Deeds were executed thereafter. According to him, there is no material collected during investigation which connects the petitioner with the alleged fabrication or subsequent use of the documents.

10.13. Placing reliance upon the principles reiterated by the Hon'ble Supreme Court in **Urmila Devi** (supra), learned counsel submits that where the allegations do not satisfy the ingredients of the offences alleged and the criminal proceedings are being used in respect of a dispute which is essentially civil in nature, continuation of such proceedings would amount to an abuse of the process of law.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

10.14. He relies upon the decision of the Hon'ble Apex Court in **Mahmood Ali v. State of U.P.**, reported in **AIR 2023 SC 3709** more particularly para 12 thereof, which is reproduced hereunder for easy reference;

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

10.15. By relying on **Mahmood Ali** he submits that while considering a petition seeking quashing of criminal proceedings on the ground that the proceedings are frivolous or vexatious, the Court is not required to confine its consideration only to the averments made in the complaint or FIR.

10.16. He submits that the Court is entitled to examine the surrounding circumstances, the chronology of events leading to registration of the crime and the material collected during investigation, in order to ascertain whether the criminal process is being genuinely invoked for prosecuting an offence or is being used for some collateral purpose.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

10.17. Learned counsel submits that, in the present case, the dispute arises out of the ownership and subsequent transactions relating to Site Nos.11 and 12. According to him, the chronology of the transactions, the circumstances in which the complaint came to be lodged and the absence of substantive material connecting the petitioner with the alleged fabrication of the General Power of Attorney are relevant circumstances which cannot be ignored.

10.18. It is further submitted that the petitioner has been implicated as accused No.3, although the complaint does not disclose any specific act on the part of the petitioner showing that he participated in the alleged creation of the General Power of Attorney, impersonated any person, induced respondent No.2 to part with the property, or knowingly used any forged document.

10.19. Learned counsel submits that, if the complaint is considered only on the basis of the manner in which the allegations have been drafted, it may appear to disclose the ingredients of the



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

offences. However, when the surrounding circumstances and the material collected during investigation are considered as a whole, the absence of any substantive material connecting the petitioner with the alleged offences becomes apparent.

10.20. Placing reliance upon **Mahmood Ali** (supra), learned counsel submits that this Court is required to look beyond the bare averments of the complaint and examine the overall circumstances in which the criminal proceedings came to be initiated. According to him, such an examination would demonstrate that the proceedings against the petitioner are frivolous and vexatious and that continuation thereof would amount to an abuse of the process of law.

10.21. He relies upon the decision of the Hon'ble Apex Court in **R.K. Vijayasarathy v. Sudha Seetharam** reported in **(2019) 16 SCC 739** more particularly para 19 and 24 thereof which is reproduced hereunder for easy reference;

19. *The ingredients to constitute an offence under Section 420 are as follows:*



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

19.1. *A person must commit the offence of cheating under Section 415; and*

19.2. *The person cheated must be dishonestly induced to*

(a) deliver property to any person; or

(b) make, alter or destroy valuable security or anything signed or sealed and capable of being converted into valuable security.

24. *In Binod Kumar v. State of Bihar [Binod Kumar v. State of Bihar, (2014) 10 SCC 663 : (2015) 1 SCC (Cri) 203] certain amounts were due and payable to a contract worker. When the amount due was not paid due to a termination of the contract, the worker filed a criminal case against the appellant for criminal breach of trust. The appellants' petition under Section 482 of the Code of Criminal Procedure for quashing was dismissed [Binod Kumar v. State of Bihar, 2011 SCC OnLine Pat 595] by the High Court. A two-Judge Bench of this Court examined the ingredients of the offence and whether the complaint on its face disclosed the commission of any offence. This Court quashed the criminal proceedings holding thus : (SCC pp. 671-72, paras 14 & 18-19)*

"14. At this stage, we are only concerned with the question whether the averments in the complaint taken at their face value make out the ingredients of criminal offence or not. ...

18. In the present case, looking at the allegations in the complaint on the face of it, we find that no allegations are made attracting the ingredients of Section 405 IPC. Likewise, there are no allegations as to cheating or the dishonest intention of the appellants in retaining the money in order to have wrongful gain to themselves or causing wrongful loss to the complainant. Excepting the bald allegations that



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

the appellants did not make payment to the second respondent and that the appellants utilised the amounts either by themselves or for some other work, there is no iota of allegation as to the dishonest intention in misappropriating the property. ...

19. Even if all the allegations in the complaint taken at the face value are true, in our view, the basic essential ingredients of dishonest misappropriation and cheating are missing. Criminal proceedings are not a shortcut for other remedies. Since no case of criminal breach of trust or dishonest intention of inducement is made out and the essential ingredients of Sections 405/420 IPC are missing, the prosecution of the appellants under Sections 406/120-B IPC, is liable to be quashed."

10.22. By relying on **R.K. Vijayasarathy** he submits that to constitute an offence under Section 420 of the IPC, the essential ingredients of cheating under Section 415 of the IPC must first be established. There must thereafter be dishonest inducement of the person deceived to deliver property or to make, alter or destroy a valuable security or a document capable of being converted into a valuable security.

10.23. Learned counsel submits that, in the present case, the complaint does not disclose that the petitioner had made any representation to respondent No.2, nor is there any allegation



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

that respondent No.2 was deceived or dishonestly induced by the petitioner to deliver any property.

10.24. It is further submitted that there is no allegation that the petitioner obtained any property or derived any wrongful gain pursuant to any representation allegedly made by him. Similarly, there is no allegation of any dishonest inducement attributable specifically to the petitioner which resulted in respondent No.2 parting with possession, title or any other valuable interest in the property.

10.25. Learned counsel submits that the allegation is essentially that certain documents were fabricated and that subsequent Sale Deeds were executed in respect of the properties. However, the complaint does not disclose the role played by the petitioner in inducing respondent No.2 to deliver the property or in causing respondent No.2 to execute any document.

10.26. It is therefore contended that, even if the allegations in the complaint are taken at their face value, the essential ingredients of Section



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

420 IPC are not satisfied insofar as the petitioner is concerned. The subsequent execution or registration of Sale Deeds, without an allegation of dishonest inducement attributable to the petitioner, cannot by itself constitute an offence under Section 420 IPC.

10.27. Learned counsel further submits that criminal proceedings cannot be permitted to continue merely on the basis of a bald allegation of cheating when the basic ingredients of the offence are absent. Placing reliance on **R.K. Vijayasarathy** (supra), he submits that where the allegations, even if accepted in their entirety, do not disclose the essential ingredients of the offence, the proceedings are liable to be quashed.

10.28. He relies upon the decision of the Hon'ble Apex Court in **Anand Kumar Mohatta v. State (NCT of Delhi)** reported in **(2019) 11 SCC 706** more particularly para 28 and 29 thereof, which is reproduced hereunder for easy reference;

28. In State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

: 1992 SCC (Cri) 426] , this Court has set out the categories of cases in which the inherent power under Section 482 CrPC can be exercised. Para 102 of the judgment reads as follows: (SCC pp. 378-79)

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(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.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

(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 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."

29. *We are of the opinion that the present case falls under the 1st, 3rd and 5th category set out in para 102 of the judgment in Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] . In such a situation, the High Court erred in dismissing the petition of the appellants filed under Section 482 CrPC. This was a fit case for the High Court to exercise its inherent power under Section 482 CrPC to quash the FIR.*

10.29. By relying on **Anand Kumar Mohatta** he submits that the power of this Court to quash criminal proceedings is not confined to cases



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

where there is an express legal bar. Where the allegations, even if taken at their face value, fail to satisfy the essential ingredients of the offences alleged, continuation of the proceedings would amount to an abuse of the process of law.

10.30. Learned counsel submits that, in the present case, the petitioner has been arrayed as accused No.3 in respect of allegations concerning the alleged fabrication of a General Power of Attorney and the subsequent Sale Deeds relating to Site Nos.11 and 12. However, there is no specific allegation or material connecting the petitioner with the preparation, execution or use of the alleged forged General Power of Attorney.

10.31. It is further submitted that the material collected during investigation does not disclose any representation made by the petitioner to respondent No.2, any dishonest inducement by the petitioner, or any act by which the petitioner obtained wrongful gain or caused wrongful loss to respondent No.2. The essential ingredients of Sections 419 and 420 of the IPC



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

are therefore not made out against the petitioner.

10.32. Similarly, learned counsel submits that the allegations do not disclose that the petitioner himself made any false document or participated in the making of a false document so as to attract Sections 465 and 471 of the IPC. There is also no material to establish that the petitioner knowingly used any document as genuine, knowing it to be forged.

10.33. Learned counsel therefore submits that, even if the allegations in the complaint and the material collected during investigation are taken at their face value, the essential ingredients of the offences alleged against the petitioner are absent. The case consequently falls within the first and third categories enumerated in ***Bhajan Lal***.

10.34. It is further submitted that the allegations against the petitioner, when considered in the light of the material collected during investigation, do not disclose any reasonable basis for proceeding against him and therefore



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

also attract the principles contained in the fifth category of ***Bhajan Lal***.

10.35. Placing reliance upon ***Anand Kumar Mohatta*** (supra), learned counsel submits that this is a fit case for exercise of the inherent jurisdiction of this Court to prevent abuse of the process of law. He therefore seeks quashing of the proceedings insofar as the petitioner is concerned.

10.36. On all the above grounds, he submits that insofar as the petitioner is concerned, the proceedings are required to be quashed, but the investigation could go on against the other accused.

11. Sri.B.Ramesh., learned counsel for respondent No.2 would submit that;

11.1. There is no denial of the handing over of the original documents to the petitioner. If not for the original documents handed over by respondent No.2 to the petitioner, the subsequent purchaser could never have received the original documents.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

11.2. On that ground he submits that there is complicity on the part of the petitioner in the handing over of the original documents. Therefore, the entire aspect would have to be investigated inasmuch as a fake father of respondent No.2 has been created after his expired in the year 2019 even though he had expired in the year 2004 and on that basis said leads have been executed which requires investigation.

11.3. His submission is that the petitioner was trusted by respondent No.2 since he is from Davangere to get the entries made in the revenue records which have been misused by the petitioner and these aspects requiring investigation this Court ought not to interdict the proceedings at this stage.

12. Heard Sri.Aswathnarayana Reddy., learned counsel for the petitioner, Sri.Ranjith Kumar.N., learned HCGP for respondent No.1 and Sri.B.Ramesh., learned counsel for respondent No.2. Perused papers.

13. This Court has considered the complaint, the allegations made therein against the petitioner, the



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

nature of the offences alleged, the material relied upon by the prosecution, and the decisions relied upon by learned counsel for the petitioner.

14. At the outset, it is necessary to notice that the power under Section 482 of the Code of Criminal Procedure is required to be exercised with caution and only in appropriate cases. At the same time, where the allegations, even if taken at their face value, do not disclose the commission of the alleged offences, or where the material collected during investigation does not connect the accused with the alleged offences, the continuation of the criminal proceedings would amount to an abuse of the process of law.
15. In this regard, learned counsel for the petitioner has relied upon the decision of the Hon'ble Supreme Court in **Anand Kumar Mohatta v. State** (NCT of Delhi), (2019) 11 SCC 706, wherein the principles laid down in **State of Haryana v. Bhajan Lal**, 1992 Supp (1) SCC 335, have been reiterated. The categories indicated in **Bhajan Lal** include cases where, even if the allegations are taken at their face value and accepted in their entirety, they do not constitute an offence, as well as cases where the uncontroverted allegations and the material collected



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

during investigation do not disclose the commission of any offence by the accused.

16. The said principle is relevant to the present case because the question before this Court is not whether the alleged General Power of Attorney or the subsequent Sale Deeds are genuine or forged. That is a matter which may require investigation. The limited question is whether there is material in the complaint and the investigation which connects this petitioner with the alleged acts constituting the offences.
17. On a careful reading of the complaint, the petitioner is referred to only at one place. It is alleged that the original documents relating to the properties had been handed over to the petitioner for the purpose of getting the necessary entries made in the Revenue Records. Apart from this allegation, there is no specific allegation that the petitioner participated in the preparation or execution of the alleged General Power of Attorney dated 16.03.2019, impersonated any person, made any false representation to respondent No.2, induced respondent No.2 to part with any property, participated in the execution or



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

registration of the subsequent Sale Deeds, or knowingly used any forged document as genuine.

18. The chronology of the transactions is also relevant. The complaint refers to the original acquisition of the properties in the year 1999, the alleged General Power of Attorney in the year 2019 and the subsequent Sale Deeds in the years 2019, 2021 and thereafter. The complaint was lodged in the year 2025. Respondent No.2 has stated that he came to know of the subsequent transactions only subsequently and, therefore, there is no delay in lodging the complaint. This Court is not inclined to decide the petition on the ground of delay. The explanation regarding the date on which respondent No.2 acquired knowledge of the transactions is a matter which need not be examined for deciding the present petition.
19. The relevant consideration is the nature of the allegations made against this particular petitioner. The fact that the original documents were allegedly handed over to the petitioner for the purpose of making revenue entries does not, by itself, establish his participation in the alleged fabrication of the General Power of Attorney or in the subsequent



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

transactions. There is no further allegation in the complaint explaining what the petitioner did with those documents, how he participated in preparation of the alleged forged document, or how he was connected with the persons who subsequently executed the Sale Deeds.

20. The decision in ***R.K. Vijayasarathy v. Sudha Seetharam***, (2019) 16 SCC 739, is also relevant in this regard. The Hon'ble Supreme Court has explained the ingredients necessary to constitute an offence of cheating under Section 420 IPC. Cheating involves deception and dishonest inducement, and the statutory consequence contemplated under Section 415 must follow. Therefore, merely alleging that a property transaction was subsequently found to be fraudulent or that a document was forged would not, by itself, establish an offence of cheating against every person associated with the transaction.
21. In the present case, there is no allegation that the petitioner made any representation to respondent No.2 with dishonest intention, deceived him, or induced him to deliver any property or to alter or destroy any valuable security. There is also no allegation that respondent No.2 was induced by any



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

representation made by the petitioner to part with his property. The allegation concerning the handing over of the original documents is materially different from an allegation that the petitioner dishonestly induced respondent No.2 to part with property.

22. Likewise, insofar as Section 419 IPC is concerned, the offence is one of cheating by personation. The complaint does not allege that the petitioner represented himself to be some other person or impersonated any person in connection with the alleged transactions. Therefore, the basic factual foundation necessary for attributing the offence under Section 419 IPC to the petitioner is absent.
23. The allegations under Sections 465 and 471 IPC also require consideration independently. The allegation of forgery necessarily requires material connecting the accused with the making of a false document or with the acts contemplated by law as constituting forgery. Similarly, for an offence under Section 471 IPC, there must be material indicating that the accused used a forged document as genuine, with the requisite knowledge or reason to believe that the document was forged.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

24. In the present case, the complaint does not attribute to the petitioner the preparation or execution of the alleged General Power of Attorney. There is also no allegation that the petitioner presented or used the said document as genuine in any transaction. The subsequent Sale Deeds are referred to in the complaint, but no specific role in their execution, presentation, registration or use is attributed to the petitioner.
25. It is true that at the stage of investigation the prosecution is not required to establish the case beyond reasonable doubt. It is also not necessary in every case of alleged forgery that an expert opinion must invariably be obtained before an investigation can proceed. However, there must nevertheless be some substantive material connecting the particular accused with the alleged forgery or the knowing use of the forged document.
26. In this context, the decision relied upon by the petitioner in ***Chanchalpati Das v. State of West Bengal***, (2023) 20 SCC 120, assumes significance. The Hon'ble Supreme Court, while considering the material collected during investigation, noticed the absence of cogent and substantive evidence and the



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

absence of material or scientific evidence explaining by whom, when and how the alleged forged documents came to be created. The Hon'ble Supreme Court found that continuation of the proceedings in those circumstances would serve no useful purpose.

27. The principle emerging from the said decision cannot be understood to mean that expert evidence is mandatory in every prosecution for forgery. The relevant principle for the present case is that the investigation must yield some substantive material connecting the accused with the alleged fabrication or use of the forged document. In the present case, no such specific material connecting the petitioner with the alleged General Power of Attorney or the subsequent Sale Deeds has been brought to the notice of this Court.
28. The decision in ***Mahmood Ali v. State of Uttar Pradesh***, AIR 2023 SC 3709, also requires consideration. The Hon'ble Supreme Court has held that while examining a challenge to criminal proceedings, particularly where the proceedings are alleged to be frivolous or motivated, the Court is not required to confine itself mechanically to the bare



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

words of the FIR. The Court may, with due caution, consider the surrounding circumstances, the chronology of events and the material collected during investigation, while ensuring that it does not conduct a mini-trial.

29. Applying that principle here, the chronology of the transactions and the surrounding circumstances have been considered. This Court is conscious that the alleged transactions concern valuable immovable properties and that the genuineness of the General Power of Attorney and the subsequent Sale Deeds is a matter requiring investigation. However, even on a careful reading of the complaint along with the allegations placed against the petitioner, there is no specific factual circumstance which connects the petitioner with the preparation of the alleged forged document, the subsequent execution of the Sale Deeds, or their use with knowledge of their alleged forged nature.
30. The decision in ***Urmila Devi and Others v. Balram and Another***, AIR 2025 SC 3526, relied upon by learned counsel for the petitioner, also emphasises that criminal proceedings cannot be permitted to become a circuitous means of pursuing what is



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

essentially a civil or property dispute when the ingredients of the alleged criminal offences are not disclosed. At the same time, the mere existence of a civil dispute does not by itself bar criminal proceedings. What is required to be examined is whether the allegations disclose the ingredients of the offences alleged and whether there is material connecting the accused with those offences.

31. In the present case, the existence of a dispute concerning ownership and subsequent transactions is evident from the nature of the allegations. However, this Court is not quashing the proceedings merely because the dispute has a civil or property background. The proceedings are being examined on the more fundamental question of the specific role attributed to the petitioner. On that aspect, the complaint does not disclose the ingredients of cheating by personation, cheating, forgery or use of a forged document against the petitioner.
32. Learned counsel for the petitioner has also relied upon the principle of ***Bhajan Lal***, as reiterated in ***Anand Kumar Mohatta***. In the facts of the present case, the case principally falls within the categories where the allegations, even if accepted at their face



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

value, do not make out the offences alleged against the petitioner and where the material collected does not disclose the commission of the offences by the petitioner. It is therefore not necessary to hold that the allegations are inherently absurd or improbable. The case can be decided on the narrower and more appropriate ground that the essential ingredients of the alleged offences are not disclosed against this particular accused.

33. The reference to Section 34 IPC does not alter this conclusion. Common intention cannot be attributed merely because several persons have been arrayed as accused in relation to the same transaction. There must be material from which the participation of the particular accused in furtherance of the common intention can reasonably be inferred. In the present case, apart from the allegation that the original documents were at some point handed over to the petitioner, there is no material placed before this Court from which his participation in the alleged acts of fabrication, cheating, personation or use of forged documents can reasonably be inferred.
34. It is also significant that the allegation regarding handing over of the original documents is not



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

accompanied by any further allegation explaining the subsequent conduct of the petitioner. There is no allegation that the petitioner retained the documents with an intention to fabricate the General Power of Attorney, supplied them to the persons who executed the subsequent documents, participated in the registration proceedings, or derived any benefit from the transactions. In the absence of such connecting circumstances, the mere fact of earlier custody of the documents cannot, by itself, constitute sufficient material for continuing the criminal prosecution against him.

35. This Court is conscious that at the stage of consideration under Section 482 of the Code, it ought not to weigh evidence as if conducting a trial. However, the Court is equally required to prevent continuation of criminal proceedings where the allegations and the material collected do not disclose the commission of the alleged offences by the accused concerned. The present case falls within the latter category.
36. The above conclusion does not affect the investigation against the other accused. The allegations in the complaint concerning the alleged



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

General Power of Attorney and the subsequent Sale Deeds require the Investigating Officer to examine the persons who prepared, executed, presented, registered or otherwise participated in those transactions, and to determine whether the ingredients of any criminal offence are made out against them. This Court expresses no opinion on those aspects.

37. For the reasons stated above, this Court is of the considered view that the material presently available does not disclose the essential ingredients of Sections 419, 420, 465 and 471 IPC against the petitioner, either independently or with the aid of Section 34 IPC. The case therefore falls within the principles governing exercise of the inherent jurisdiction under Section 482 of the Code, as explained in ***Bhajan Lal*** and reiterated in ***Anand Kumar Mohatta***.
38. Accordingly, continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law. The petitioner is therefore entitled to the relief sought.
39. In that view of the matter, considering that at present in the complaint was filed there is no



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:03, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

allegation of any criminal offence or an overt act on the part of the petitioner, this Court Passes the following;

ORDER

- i. Criminal petition ***allowed***.
- ii. The FIR and complaint dated 10.07.2025 in Crime/FIR No.0066/2025 on the File of the IV Additional Civil Judge and JMFC Court at Davanagere, Davanagere District, insofar as the petitioner/Accused No.3 is concerned is quashed.
- iii. The investigation in Crime No.66/2025 shall, however, continue against the other accused in accordance with law. Nothing stated in this order shall be construed as an expression of opinion on the genuineness or otherwise of the General Power of Attorney or the Sale Deeds, or on the culpability of the other accused.
- iv. It is further made clear that if, during the course of investigation, the Investigating Officer collects cogent and legally admissible material disclosing the involvement of the petitioner in the commission of any cognisable offence, it is open to



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:03, Bengaluru
Verified



CNR: KAHC010661392025

NC: 2026:KHC:54317
CRL.P No. 14091 of 2025

the Investigating Officer to take such further steps as are permissible in law before the jurisdictional Court. This observation shall not be construed as a direction to proceed against the petitioner or as an expression of opinion regarding his guilt or innocence.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:03, Bengaluru
Verified

(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 33