

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.15351 OF 2025

C/W

CRIMINAL PETITION No.15375 OF 2025

IN CRIMINAL PETITION No.15351 OF 2025

BETWEEN:

SRI G.B.RAVI KUMAR
S/O BOPPANNA
AGED ABOUT 48 YEARS,
R/AT NO.328, D BLOCK, SLV APARTMENTS,
NEAR KODAVA GOWDA SAMAJA,
SNV 5TH BLOCK,
BENGALURU – 560 110.

... PETITIONER

(BY SRI SUNIL S.RAO, ADVOCATE FOR
SRI ASHRITH V.T., ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
CENTRAL CRIME BRANCH,
BENGALURU
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA

BENGALURU – 560 001.

2 . SRI M.KRISHNA
S/O LATE MUNIVENKATAPPA,
AGED ABOUT 76 YEARS,
R/AT NO.263, 6TH 'A' CROSS,
15TH 'A' MAIN ROAD,
RMV EXTENSION,
SADASHIVANAGAR,
BENGALURU – 560 094.

... RESPONDENTS

(BY SRI VINAY MAHADEVAIAH, HCGP FOR R-1;
SRI R.SWAROOP ANAND, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BNSS, 2023 PRAYING TO QUASH THE COMPLAINT AND FIR IN CR.NO.86/2025 ONE REGISTERED BY THE CENTRAL CRIME BRANCH, POLICE STATION, BENGALURU BASED UPON THE COMPLAINT ONE FILED BY THE RESPONDENT NO.2 AGAINST THE PETITIONERS HEREIN FOR THE ALLEGED OFFENCES P/U/S 45, 54, 61, 314, 318, 319, 324, 335, 336, 340, 341 AND 351 OF BNS, 2023, PENDING ON THE FILE OF I ACJM, BENGALURU CITY FOUND AT ANNEXURE-A AND A1 TO THE PETITION.

IN CRIMINAL PETITION No.15375 OF 2025

BETWEEN:

1 . SMT. RAJYALAKSHMI
D/O LATE S.R.RAO
AGED ABOUT 68 YEARS
RESIDING AT NO.170/A
10TH MAIN, SADASHIVANAGAR
BENGALURU – 560 080.

- 2 . SRI KARTHIK KRISHNA
S/O SRI M.KRISHNA
AGED ABOUT 45 YEARS
RESIDING AT NO.170/A
10TH MAIN, SADASHIVANAGAR
BENGALURU – 560 080.
- 3 . SMT.S.GRUHALAKSHMI
W/O LATE S.R.RAO
AGED ABOUT 87 YEARS
R/AT NO.50-1-23, FLAT NO.301
'C' BLOCK, KSR COMPLEX
SEETHAMMDHARA
VISHAKAPATTANAM
ANDHRA PRADESH – 530 013.
GPA HOLDER P1 RAJYALAKSHMI
AS PER FIR)

... PETITIONERS

(BY SRI SUNIL S.RAO, ADVOCATE FOR
SRI AKASH V.T., ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
CENTRAL CRIME BRANCH
BENGALURU
REPRESENTED BY ITS
SPECIAL PUBLIC PROSECUTOR
BENGALURU – 560 001.
- 2 . SRI M.KRISHNA
S/O LATE MUNIVENKATAPPA
AGED ABOUT 76 YEARS
R/AT NO.263, 6TH 'A' CROSS
15TH 'A' MAIN ROAD
RMV EXTENSION
SADASHIVANAGAR

BENGALURU – 560 094.

... RESPONDENTS

(BY SRI VINAY MAHADEVIAIAH, HCGP FOR R-1;
SRI R.SWAROOP ANAND, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BNSS, 2023 PRAYING TO QUASH THE COMPLAINT AND FIR IN CR.NO.86/2025 ONE REGISTERED BY THE CENTRAL CRIME BRANCH, POLICE STATION, BENGALURU BASED UPON THE COMPLAINT ONE FILED BY THE RESPONDENT NO.2 AGAINST THE PETITIONERS HEREIN FOR THE ALLEGED OFFENCES P/U/S 45, 54, 61, 314, 318, 319, 324, 335, 336, 340, 341 AND 351 OF BNS 2023 PENDING ON THE FILE OF THE I ADDL.CJM BENGALURU CITY FOUND AT ANNEXURE A AND A1 TO THE PETITION.

THESE CRIMINAL PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

Both these petitions call in question registration of a solitary crime in Crime No.86 of 2025 in Criminal Petition No.15375 of 2025 filed by accused Nos. 1, 2 and 4 and Criminal Petition No.15351 of 2025 preferred by accused No.6.

2. Heard in both the petitions Sri Sunil S. Rao, learned counsel appearing for the petitioners, Sri Vinay Mahadevaiah,

learned High Court Government Pleader appearing for respondent No.1 and Sri R. Swaroop Anand, learned counsel appearing for respondent No.2.

3. Facts, in brief, germane, are as follows: -

Accused No.4 founded a Trust for the purpose of charitable and educational purposes in the name and style of Abhyudaya Educational Trust. The initial life Trustees of the said Trust were accused No.1 and accused No.3 one Eshwar Prasad. It is the averment in the petition that clause 4 of the Trust deed empowers the author to appoint life trustees to the Trust. The said Trust deed dated 23-06-1990 comes to be registered on the same day and stood the test of time. After about 11 years, certain amendments come to be made to the Trust deed calling it as supplementary deed dated 03-08-2001 and several other amendments were carried out on 30-06-2007, 04-04-2013, 01-02-2016 and 17-04-2021. The Trust deed is said to have been reconstituted and one Karthik Krishna was appointed into the Trust on 03-08-2001. Thereafter, the daughter of accused No.1 and complainant Miss Kavya Krishna

was appointed in the Trust as Trustee in the year 2013. Owing to certain disputes and alleged false declaration, the children were removed from the Trust and thereafter again after three years they were re-inducted. Again, owing to certain disputes between the two, the parties to the *lis* are before the civil Court in O.S.No.3144 of 2025, which is filed by accused No.1. The complainant has also filed a suit in O.S.No.7703 of 2025. A third suit is also preferred by the petitioners in O.S.No.5509 of 2025. During pendency of these civil suits emerges the subject crime by the complainant registering the complaint, alleging offences of forgery, conspiracy and breach of trust. The complaint becomes a crime in Crime No.86 of 2025 for the offences punishable under Sections 45, 54, 61, 314, 318, 319, 324, 335, 336, 340, 341 and 351 of the BNS. Registration of crime and beginning of conduct of investigation, the petitioners in all these cases approach this Court in the subject petitions.

4. A coordinate Bench of this Court, on 11-11-2025, grants initially an interim order in CrI.P.No.15375 of 2025 and on the score that the interim order is subsisting in the companion petition,

interim order is also granted in the other petition. The orders granting interim orders read as follows:

Interim order in Criminal Petition No.15375 of 2025:

"11-11-2025

(VIDEO CONFERENCING/PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER ON I.A.No.1/2025

Learned High Court Government Pleader is directed to take notice for respondent No.1/ State.

Issue notice to respondent No.2.

It is contended that under the original trust deed dated 23.06.1990, the author of the Trust under clause-4 of the Trust has powers to reconstitute the Trust as well as appoint life trustee and exercising such power, the author has, to dispense any confusion about the subsisting life trustees during her lifetime has made certain appointments. The act done in pursuance of the Trust deed or it's bye-laws or such other documents, is purely a domain of the civil Courts and the police would not have any jurisdiction to investigate into the offences alleged. It is contended that the complainant with a malafide intention and to put pressure on the petitioners have got registered criminal case against them.

Matter requires consideration.

There shall be stay of further investigation in Crime No.86/2025 registered at CCB Bengaluru City Police, Bengaluru City, till next date of hearing.

I.A.No.1/2025 is allowed.

Needful to issue notice shall be done forthwith.

List this petition after service of notice on respondent No.2."

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Interim order in Criminal Petition No.15351 of 2025:

"26-11-2025

(VIDEO CONFERENCING/PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

There is an interim order of stay granted in the connected petition in CrI.P.No.15375/2025, the same shall be extended till next date of hearing.

It is clarified that the interim order is only stay of further investigation, which will not give any right to either of the parties in the Trust in question. Right in Trust has to be adjudicated before the appropriate forum.

List these petitions on 6.1.2026."

(Emphasis supplied at each instance)

It transpires that challenging the said interim order, the complainant had approached the Apex Court in S.L.P. (CrI.) No.20582 of 2025 and the Apex Court on the score that the matter was likely to be taken up on 6-01-2026 disposed of the special leave petition observing that the Court would render its conclusion expeditiously.

4. The learned counsel appearing for the petitioners in Criminal Petition No.15375 of 2025 would vehemently contend that the issue is between the family members – either the present wife of the founder Trustee or the former wife and children. Three civil suits are pending adjudication between the parties. In a matter that is purely civil in nature, the crime is sought to be registered for investigation, when there is no criminality attached to any of the acts. The original Trust Deed itself permitted inclusion and exclusion of trustees and new Trust Deed comes to be made in the year 2025. All this is before the civil Court and, therefore, there is no warrant of interference in a matter that is purely civil in nature is the emphatic submission of the learned counsel appearing for the petitioners.

5. *Per contra*, the learned counsel representing the complainant/2nd respondent would vehemently refute the submissions in contending that, on 14-06-2001 itself Eshwar Prasad resigned from the position of life trustee and thereafter a supplementary Trust deed was made observing that Eshwar Prasad had resigned. Several amendments to the Trust Deed have taken

place and now the new Trust Deed is in place which is completely forged. The forgery is apparent in the case at hand, as civil suits are filed by the petitioners. The prayer that is sought is to declare the amendments made to the Trust Deeds to be illegal. The learned counsel submits that the matter is still at the stage of investigation insofar as the allegation of forgery is concerned. At this stage this Court should not interfere or interdict the investigation. He would seek dismissal of the petition.

6. In Criminal Petition No.15351 of 2025, the learned counsel for the petitioner submits that the petitioner is only an attesting witness to the amended Trust deed. He would submit that an attesting witness cannot be drawn into the web of crime, as he has only attested the document and is not the consenting party to the disputed document. The learned counsel for the petitioner would thus submit that the proceedings against accused No.6/petitioner, the attesting witness must be quashed.

7. The learned counsel for the 2nd respondent/claimant would again refute the submissions in contending that no doubt the

petitioner is an attesting witness, but he is completely aware of the entire facts and is a part of the forgery. Therefore, the said petition concerning accused No.6 also cannot be allowed and his role must be unearthed on investigation by the Police.

8. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

9. The afore-narrated facts, at this juncture, lie in a narrow compass. The entire issue has now triggered from the complaint. I, therefore, deem it appropriate to notice the complaint. It reads as follows:

"To,

Date: 31/10/25.

The Commissioner of Police,
Bangalore City.

Sub: Criminal Complaint against Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi Kumar for the offences punishable under Sections 45, 61, 54, 314, 318, 319, 324, 335, 336, 340, 341 and 351 of the BNS.

M/s Abudaya Educational Trust represent by its Chairman and Managing Trustee Mr.M. Krishna Aged about 76 years, s/o Late Munivenkatappa, r/at No. 263, 6th "A" Cross, 15th Main Road, RMV Extension, Sadashiva Nagar, Bangalore-560080 states as follows:

1. I am a retired **Kar. Administrative Service (KAS)** officer and an active social worker dedicated to the cause of education and the upliftment of the backward and underprivileged sections of society. During my tenure in the Indian Administrative Service, I had the privilege of serving in various Government Departments across India with utmost honesty, integrity, and commitment to public welfare.
2. I am presently the **Managing Trustee of "Abudaya Educational Trust"**, an organization established with the noble objective of promoting education as a means of social empowerment. The trust has been actively engaged in establishing, managing, and running educational institutions that provide quality education from the primary to collegiate level, particularly focusing on students from economically and socially weaker backgrounds.
3. I was married to Smt. Rajyalakshmi, d/o S.R. Rao, now residing at No. 170/A, 10th Main, RMV Extension, Opp. BWSSB Water Tank, Sadashivanagar, Bengaluru-560080 in the year 1969. However, due to our differences I divorced Rajyalakshmi in the year 2001. I am now remarried to Smt. Padmavathi Krishna.
4. The mother of Rayalakshmi i.e., Smt. S. Gruhalakshmi w/of Late S. Ramalingeshwara Rao, aged about 86 years, now residing at Door No. 50-1-23/Flat No. 301, "C" Block, KSR Complex, Seethammadahara, P and T Colony Vishakapatnam, had authored a trust in the name and style of "Abudaya Educational Trust" (herein after referred to as the "**Said Trust**")vide a registered trust deed dt: 23.06.1990. The object for the said trust was to run educational institutions for non-profit purposes.

5. Under the terms of the said trust deed, S. Eswar Prasad and S. Rajalakshmi were appointed as life trustees by Smt. Gruhalakshmi. The life trustees were empowered to hold office for their lifetime unless they voluntarily disassociated themselves through resignation or by reason of death. As per the provisions of the trust deed, even the author of the trust was not empowered to remove the life trustees from the Board of Trustees.
6. I was inducted into the said trust as life trustee under the amendment trust deed dt: 30.06.2007. Further I was nominated as Chairman and Managing Trustee of the said trust. Pursuant to the same another amendment trust deed was executed and registered on 04.04.2013. Hence, currently I am the Chairman and Managing Trustee of the said trust.
7. **On 14.06.2001, S. Eswar Prasad and S. Rajalakshmi tendered their resignations as life trustees, having lost interest in the affairs of the trust. Pursuant to their resignations, a Board resolution was passed on 30.06.2001, formally accepting the same. Accordingly, from 30.06.2001 onwards, S. Eswar Prasad and S. Rajalakshmi ceased to have any involvement in the affairs of the said trust.**
8. Since Smt. Rajyalakshmi and Sri E. Eswar Prasad were no longer serving as life trustees, Sri D. Nanda Kumar was inducted as a life trustee of the said trust, and the trust deed was accordingly amended through an amended trust deed dated 04.08.2001. However, on 17.08.2019, Sri D. Nanda Kumar also tendered his resignation from the said trust. The said trust deed was further amended by inducting Mrs. Padmavathi Krishna as life trustee in place of Nandakumar vide an amendment trust deed dt:02.07.2020.
9. Subsequently, Sri Karthik Krishna, my son born out of my marriage with Smt.S. Rajalakshmi, was appointed as a life trustee on 01.03.2016, and his appointment was later ratified through an amendment deed. Thereafter,

on 17.04.2021, Sri Karthik Krishna tendered his resignation from the post of life trustee.

10. It is also pertinent to note that, under the terms of the original trust deed dated 23.06.1990, Smt. Gruhalakshmi, being the author of the said trust, had no authority to interfere with the management or affairs of the trust.
11. Consequently, from the year 2021 onwards, the remaining trustees of the said trust, namely myself, my wife Smt. Padmavathi, and other members of the trust, have been managing the affairs of the trust. It is relevant to mention that, in the year 2004, the said trust obtained permission from the Deputy Commissioner, Bengaluru Urban District, to purchase 20 acres of land situated in Chikkabellanduru and Mullur Villages. The details of the said properties are provided in the table below and are hereinafter collectively referred to as the "**said property**":

<u>Sl. No.</u>	<u>Place</u>	<u>Survey No.</u>	<u>Extent</u>
1.	Chikkabellandur	26/1	05 Acre37 Guntas
2.	Chikkabellandur	25	05 Acres 10 Guntas
3.	Mullur	65/1, 66/1 & 61	10 Acres 23 Guntas
Total			20 Acres

12. In the years 2004 and 2007, the said trust raised term loans from the State Bank of India (SBI) for the purpose of constructing an international school on the said property. However, the trust subsequently defaulted in repayment of the said loans, due to which SBI initiated recovery proceedings against the trust before the Hon'ble Debts Recovery Tribunals at Bengaluru and Chennai. Pursuant thereto, multiple litigations arose

before courts including the Hon'ble High Court of Karnataka and the Hon'ble Supreme Court of India.

13. In order to bring the disputes to a close and to terminate the pending litigations, my company, M/s Indsing Developers Pvt. Ltd., agreed to settle the outstanding dues of the trust by paying a one-time settlement (OTS) amount of ₹90 crores to SBI. In this regard, a settlement was reached between my company, M/s Indsing Developers Pvt. Ltd., and the said trust in O.S. No. 759/2023 before the Court of the IV Additional City Civil Judge, Bengaluru. Pursuant to the same my company paid a sum of ₹90 crores to SBI by borrowing the funds from various other entities for which my company is still paying interest.
14. **As stated above, my ex-wife, Smt. Rajyalakshmi, my son, Mr. Karthik Krishna, Mr. Eshwar Prasad and Smt. S. Gruhalakshmi have no connection whatsoever with office of the trust and are in no way related to the said trust or its properties any longer. This is further evidenced by the fact that the aforesaid individuals had filed several writ petitions before the Hon'ble High Court of Karnataka, in which the said trust was made a party represented by me.**
15. **When the matter stood thus, we came across a newspaper publication dated.... wherein Smt. Rajyalakshmi, my son Mr. Karthik Krishna, Mr. Eshwar Prasad, and Smt. S. Gruhalakshmi had falsely represented to the public that they are the trustees and managing members of the said trust, and that they own the properties of the said trust by virtue of a supplementary trust deed dated 23.10.2025. Alarmed by this publication, I immediately proceeded to the Sub-Registrar's Office at Gandhinagar and verified the relevant document.**
16. **To my utter shock and surprise, I discovered that Smt. Rajyalakshmi, my son Mr. Karthik Krishna, Mr. Eshwar Prasad, and Smt. S. Gruhalakshmi,**

along with one other individual, Mr. Polavarapu Buddha Prasad, had registered a forged and fabricated supplementary trust deed dated 23.10.2025. In the said document, they have unilaterally removed me and my wife, Smt. Padmavati, as trustees and have unlawfully inducted Smt. Rajyalakshmi as the Managing Trustee, Mr. Karthik Krishna as the Vice President, Mr. S. Eshwar Prasad as the Secretary, and Mr. Polavarapu Buddha Prasad as a Trustee of the said trust. The aforesaid acts of Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, and Mr. Polavarapu Buddha Prasad are contrary to law, in violation of the terms of the original Trust Deed dated 23.06.1990, as well as the rules governing registration.

17. Furthermore, the aforesaid individuals have unlawfully altered the name of the trust from "Abudaya Educational Trust" to "Abhyudaya Education Trust" through the fabricated trust deed. This act has been carried out with a malafide and fraudulent intention to create confusion among the public and to unlawfully benefit from the goodwill and reputation of the original trust and the educational institutions it operates. By using the deceptively similar name, these individuals are attempting to open new bank accounts in the altered name of the trust and thereby collect and misappropriate funds from the general public under the false pretext of conducting the legitimate activities of the original trust. Such acts clearly demonstrate a deliberate and premeditated attempt to commit fraud, cheating, and criminal breach of trust by misusing the identity and reputation of the genuine trust.
18. The officials of the Gandhinagar Sub-Registrar represented to me that, Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi along with one alleged RTI active Mr. Ravi Kumar visited the office of Gandhinagar Sub-Registrar and falsely represented themselves

to be the trustees of the said trust and probed the officials to register the forged and fabricated deed named as Supplementary trust deed dt: 23.10.2025.

19. **In fact, without the original Trust Deed dated 23.06.1990, the subsequent amendment deeds, and without the presence or consent of the existing trustees of the said trust, the officials of the Sub-Registrar's Office were not authorized to register the fabricated deed. It is therefore evident that the officials of the Gandhinagar Sub-Registrar's Office have acted in collusion with Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi Kumar. Furthermore, the said trust is not an ordinary public trust but one established specifically for the purpose of running educational institutions. As such, it is governed by the stringent provisions of the Karnataka Education Act and the rules framed thereunder. Without complying with the mandatory procedures prescribed under the said Act and rules, the trustees cannot be altered or replaced in such a casual and arbitrary manner.**
20. **It is also pertinent to note that, under the provisions of the Karnataka Education Act, 1983 and the rules framed thereunder, there are specific and mandatory procedures to be followed for any change in the name or constitution of a trust that manages educational institutions. Without adhering to these statutory requirements, Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, and Mr. Ravi Kumar, acting in collusion and with malafide intent, have unlawfully altered the name of the said trust to deceptively leverage the reputation, goodwill, and credibility built by the genuine trust over several decades. By doing so, they have attempted to mislead the public, prospective donors, and well-wishers of the trust and to illegally collect funds under the guise of the renamed entity. Pursuant to**

their fraudulent scheme, the said individuals have also caused a false and misleading newspaper publication, representing themselves as the legitimate trustees and thereby inducing members of the public to part with money.

21. Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi kumar, with malafide intention to unlawfully acquire the trust properties, have forged and fabricated a supplementary trust deed falsely showing themselves as the office bearers of the said trust. In doing so, they have blatantly violated the applicable laws and rules governing trusts for their own illegal gains.
22. On the strength of the said forged and fabricated document, Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi Kumar, acting in collusion with one another, are now falsely claiming ownership and control over the properties of the said trust and are misrepresenting themselves to the public as the newly appointed trustees. From their conduct, it is evident that these illegal acts have been carried out with the deliberate intent to deprive our trust of its legitimate properties and to usurp control for their personal benefit.
23. On the strength of the said forged and fabricated document, Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi Kumar, acting in criminal conspiracy and collusion with one another, have been falsely representing to the tenants occupying the trust properties that they are the owners and lawful trustees of the said properties. They have illegally demanded and tying and attempting collected rents from several tenants by deceiving them with false claims of ownership and threatening the tenants that if they

failed to pay the rents they would be evicted from the said property. These acts clearly amount to cheating, forgery, criminal intimidation and misappropriation of trust funds. The said individuals have acted with dishonest and fraudulent intention to unlawfully gain control over the assets and income of the trust, thereby causing wrongful loss to the legitimate trustees and the beneficiaries of the trust, particularly the children studying in the educational institutions run by the trust. Their actions constitute a criminal conspiracy to grab trust property and siphon off its income for their personal benefit.

24. Despite having no legal right, title, or authority over the affairs or properties of the trust, the aforesaid individuals have wilfully engaged in these fraudulent acts with the sole objective of usurping the trust properties and diverting the trust's lawful income for their personal enrichment. Their illegal actions have caused immense financial loss to the trust and have jeopardized the functioning of the educational institutions established for the welfare of poor and underprivileged children. By creating and using forged and fabricated documents, they have not only committed forgery and fraud but have also cheated the lawful trustees, the tenants, and the ultimate beneficiaries of the trust.
25. Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi Kumar, acting in criminal conspiracy and collusion with one another, have created mischief in the normal functioning of the said trust by creating such illegal and false documents to damage the reputation of the said trust and with an ill-intention to cause huge losses to our trust.
26. Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi Kumar, acting in criminal

conspiracy and collusion with one another, have used fake and forged board resolution and fake seal of the said trust to forge the said supplementary deed with an ill-intention to part with the property of the trust and misappropriate its valuable funds.

- 27. It is also pertinent to note that Smt. Rajyalakshmi and Mr. Karthik Krishna are habitual offenders, having previously engaged in similar fraudulent and unlawful activities. They have earlier attempted to illegally usurp the properties belonging to the deceased brother of Smt. Rajyalakshmi, for which two criminal cases have already been registered against them. The said cases are C.C. No. 28623/2019 and C.C. No. 26897/2024, both pending before the IV Additional Chief Metropolitan Magistrate, Bengaluru. The pendency of these cases clearly demonstrates their criminal antecedents, dishonest disposition, and continued involvement in property-related frauds, thereby reinforcing the seriousness of their present offences in relation to the trust property.**
28. Such acts clearly attract penal provisions under Sections 45, 61, 54, 314, 318, 319, 324, 335, 336, 340, 341 and 351 of the BNS, as they constitute offences of criminal conspiracy, cheating, forgery, using forged documents, and criminal breach of trust. I therefore submit that immediate and stringent action be initiated against Smt. Rajyalakshmi, Mr. Karthik Krishna, Mr. Eshwar Prasad, Smt. S. Gruhalakshmi, Mr. Buddha Prasad, and Mr. Ravi Kumar and others in accordance with law, to prevent further misuse or alienation of the trust properties and to safeguard the interests of the trust and its beneficiaries."

The complaint is in great detail. The narration begins from 1990 and travels up to 2025. Paragraph 27 of the complaint brings in

certain offences against the petitioners contending that they are habitual offenders and some unlawful activities have become crimes against them and in both the cases, the Police have filed charge sheets and are pending before the concerned Court in C.C.No.28623 of 2019 and C.C.No.26897 of 2024. The submissions of the learned counsel for the petitioners touches upon interpretation of the Trust deed. Clause-4 of the Trust deed dated 23-06-1990, which deals with life trustees reads as follows:

"4. LIFE TRUSTEES:

Life Trustees are those who are duly appointed by the Author of the Trust under this deed shall hold the office for their life unless otherwise they have disassociated themselves voluntarily by resignation or death or incapacity to act as Trustees due to insolvency or insane mind or convicted for a term more than six months by a Court for Criminal offence or having committed any offence involving moral turpitude or removed as per sub-clause (i) of this clause."

(Emphasis added at each instance)

The entire issue has sprung from the said Clause-4 which permits amendment to the Trust by inclusion of members. Several other supplementary Trust deeds have all been executed and are appended to the statement of objections. The issue is the crime registered on 31-10-2025 and interim order granted by the

coordinate Bench on 11-11-2025 within 15 days after registration of the crime. Therefore, whether there has been a forgery of a Trust Deed or otherwise is a matter that requires investigation.

10. Plethora of documents are produced by the petitioners and the 2nd respondent both, all of which revolve round a maze of facts. If the issue revolves round seriously disputed questions of fact, there is no warrant of interference at this stage of the proceedings. Investigation must ensue. No doubt, constant events have happened between 1990 and 2025 and further three civil suits are pending between the parties. This would not mean that allegations of the nature that has sprung would interdict the investigation. The offences alleged are under Section 314 – Dishonest misappropriation of property/403 of the earlier regime of the IPC; Section 319 – Cheating by personation/416 of the earlier regime of the IPC; Section 324 – Mischief; 335 – Making a false document/464 of the earlier regime IPC; Section 340 deals with using a forged document; Section 341 punishes making of counterfeit instruments and Section 61 deals with criminal conspiracy. It is no law that merely because a few provisions of law

are added, the petition must be dismissed. But, it is not only addition of offences, the complaint is in great detail. Investigation in the least, is a must, failing which it would run foul of the judgment of the Apex Court in the case of **KAPTAN SINGH v. STATE OF UTTAR PRADESH**¹ wherein it is held as follows:

"....

"9.1. At the outset, it is required to be noted that in the present case the High Court in exercise of powers under Section 482 CrPC has quashed the criminal proceedings for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC. It is required to be noted that when the High Court in exercise of powers under Section 482 CrPC quashed the criminal proceedings, by the time the investigating officer after recording the statement of the witnesses, statement of the complainant and collecting the evidence from the incident place and after taking statement of the independent witnesses and even statement of the accused persons, has filed the charge-sheet before the learned Magistrate for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC and even the learned Magistrate also took the cognizance. From the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914] passed by the High Court, it does not appear that the High Court took into consideration the material collected during the investigation/inquiry and even the statements recorded. **If the petition under Section 482 CrPC was at the stage of FIR in that case the allegations in the FIR/complaint only are required to be considered and whether a cognizable offence is disclosed or not is required to be considered. However, thereafter when the statements are recorded, evidence is collected and the charge-sheet is filed after conclusion of the investigation/inquiry the matter stands on different**

¹ (2021) 9 SCC 35

footing and the Court is required to consider the material/evidence collected during the investigation. Even at this stage also, as observed and held by this Court in a catena of decisions, the High Court is not required to go into the merits of the allegations and/or enter into the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial. As held by this Court in *Dineshbhai Chandubhai Patel* [*Dineshbhai Chandubhai Patel v. State of Gujarat*, (2018) 3 SCC 104 : (2018) 1 SCC (Cri) 683] in order to examine as to whether factual contents of FIR disclose any cognizable offence or not, the High Court cannot act like the investigating agency nor can exercise the powers like an appellate court. It is further observed and held that that question is required to be examined keeping in view, the contents of FIR and prima facie material, if any, requiring no proof. **At such stage, the High Court cannot appreciate evidence nor can it draw its own inferences from contents of FIR and material relied on. It is further observed it is more so, when the material relied on is disputed. It is further observed that in such a situation, it becomes the job of the investigating authority at such stage to probe and then of the court to examine questions once the charge-sheet is filed along with such material as to how far and to what extent reliance can be placed on such material.**

9.2. In *Dhruvaram Murlidhar Sonar* [*Dhruvaram Murlidhar Sonar v. State of Maharashtra*, (2019) 18 SCC 191 : (2020) 3 SCC (Cri) 672] after considering the decisions of this Court in *Bhajan Lal* [*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , it is held by this Court that exercise of powers under Section 482 CrPC to quash the proceedings is an exception and not a rule. **It is further observed that inherent jurisdiction under Section 482 CrPC though wide is to be exercised sparingly, carefully and with caution, only when such exercise is justified by tests specifically laid down in the section itself. It is further observed that appreciation of evidence is not permissible at the stage of quashing of proceedings in exercise of powers under Section 482 CrPC.** Similar view has been expressed by this Court in *Arvind Khanna* [*CBI v. Arvind Khanna*, (2019) 10 SCC 686 : (2020) 1

SCC (Cri) 94] , Managipet [State of Telangana v. Managipet, (2019) 19 SCC 87 : (2020) 3 SCC (Cri) 702] and in XYZ [XYZ v. State of Gujarat, (2019) 10 SCC 337 : (2020) 1 SCC (Cri) 173] , referred to hereinabove.

9.3. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, we are of the opinion that the High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 CrPC.

10. The High Court has failed to appreciate and consider the fact that there are very serious triable issues/allegations which are required to be gone into and considered at the time of trial. The High Court has lost sight of crucial aspects which have emerged during the course of the investigation. The High Court has failed to appreciate and consider the fact that the document i.e. a joint notarised affidavit of Mamta Gupta Accused 2 and Munni Devi under which according to Accused 2 Ms Mamta Gupta, Rs 25 lakhs was paid and the possession was transferred to her itself is seriously disputed. It is required to be noted that in the registered agreement to sell dated 27-10-2010, the sale consideration is stated to be Rs 25 lakhs and with no reference to payment of Rs 25 lakhs to Ms Munni Devi and no reference to handing over the possession. However, in the joint notarised affidavit of the same date i.e. 27-10-2010 sale consideration is stated to be Rs 35 lakhs out of which Rs 25 lakhs is alleged to have been paid and there is a reference to transfer of possession to Accused 2. Whether Rs 25 lakhs has been paid or not the accused have to establish during the trial, because the accused are relying upon the said document and payment of Rs 25 lakhs as mentioned in the joint notarised affidavit dated 27-10-2010. It is also required to be considered that the first agreement to sell in which Rs 25 lakhs is stated to be sale consideration and there is reference to the payment of Rs 10 lakhs by cheques. It is a registered document. The aforesaid are all triable issues/allegations which are required to be considered at the time of trial. The High Court has failed to notice and/or consider the material collected during the investigation.

11. Now so far as the finding recorded by the High Court that no case is made out for the offence under Section 406 IPC is concerned, it is to be noted that the High Court itself has noted that the joint notarised affidavit dated 27-10-2010 is seriously disputed, however as per the High Court the same is required to be considered in the civil proceedings. There the High Court has committed an error. Even the High Court has failed to notice that another FIR has been lodged against the accused for the offences under Sections 467, 468, 471 IPC with respect to the said alleged joint notarised affidavit. Even according to the accused the possession was handed over to them. However, when the payment of Rs 25 lakhs as mentioned in the joint notarised affidavit is seriously disputed and even one of the cheques out of 5 cheques each of Rs 2 lakhs was dishonoured and according to the accused they were handed over the possession (which is seriously disputed) it can be said to be entrustment of property. Therefore, at this stage to opine that no case is made out for the offence under Section 406 IPC is premature and the aforesaid aspect is to be considered during trial. It is also required to be noted that the first suit was filed by Munni Devi and thereafter subsequent suit came to be filed by the accused and that too for permanent injunction only. Nothing is on record that any suit for specific performance has been filed. Be that as it may, all the aforesaid aspects are required to be considered at the time of trial only.

12. Therefore, the High Court has grossly erred in quashing the criminal proceedings by entering into the merits of the allegations as if the High Court was exercising the appellate jurisdiction and/or conducting the trial. The High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 CrPC.

13. Even the High Court has erred in observing that original complaint has no locus. The aforesaid observation is made on the premise that the complainant has not placed on record the power of attorney along with the counter filed before the High Court. However, when it is specifically stated in the FIR that Munni Devi has executed the power of attorney and thereafter the investigating officer has conducted the

investigation and has recorded the statement of the complainant, accused and the independent witnesses, thereafter whether the complainant is having the power of attorney or not is to be considered during trial.

14. In view of the above and for the reasons stated above, the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914] passed by the High Court quashing the criminal proceedings in exercise of powers under Section 482 CrPC is unsustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. Now, the trial is to be conducted and proceeded further in accordance with law and on its own merits. It is made clear that the observations made by this Court in the present proceedings are to be treated to be confined to the proceedings under Section 482 CrPC only and the trial court to decide the case in accordance with law and on its own merits and on the basis of the evidence to be laid and without being influenced by any of the observations made by us hereinabove. The present appeal is accordingly allowed."

Thus, Criminal Petition No.15375 of 2025 deserves to be rejected and investigation is to be permitted.

11. Criminal Petition No.15351 of 2025 though arises out of the same complaint and for the same offences, the only allegation against the petitioner/accused No.6 is that he is an attesting witness to the latest amended Trust Deed, which has become subject matter of both civil proceedings and the subject complaint. The position of accused No.6 is not in dispute. He is an attesting witness. The allegations against accused No.6 are limited and being

an attesting witness, whether investigation is to be permitted or otherwise, requires to be considered; the consideration of which need not detain this Court for long or delve deep into the matter. It is too well settled principle of law that an attesting witness would not be knowing the entire document that he is signing as an attesting witness. As a matter of fact, a consenting witness would not be completely aware unless he is a party to the transaction. The Apex Court in **M.SRIKANTH v. STATE OF TELANGANA**² has held as follows:

“....

18. Let us consider the case of the complainant on its face value without going into the truthfulness or otherwise thereof. It is the case of the complainant, that the property originally belonged to her grandmother. After her death, it devolved upon her father, Afzaluddin Hassan and after his death on 28-5-1996, it devolved upon Accused 1 and his three sisters, namely, Karima Siddiqua, Saleha Asmatunnisa and Sadika Khairunnisa. Their father had entered into a development agreement with M/s Banjara Construction Company Pvt. Ltd., however, the same was cancelled during his lifetime. After the death of their father on 28-5-1996, Accused 3 tried to trespass into the property for which, on the basis of her complaint a crime was registered. That the said M/s Banjara Construction Company Pvt. Ltd. had executed some document alleging assignment of its rights in favour of M/s NRI Housing Company Pvt. Ltd. of which Accused 3, Abid Rasool Khan was the Managing Director. In respect of the same action, Crime No. 177 of 1996 had been registered at the instance of the complainant. With respect to the said transaction, two original suits were

² (2019) 10 SCC 373

already filed, one by the complainant and another by her sisters.

19. It is further the case of the complainant, that Accused 1 created a will in Urdu purported to be executed by her grandmother bequeathing the property in favour of her parents, namely, Afzaluddin Hassan and Liaquathunnisa Begum for their lifetime and vesting the remainder to Accused 1. The said will is created on a non-judicial stamp paper of Nizamat Jung and has been allegedly executed on 2-4-1950. According to the complainant, Accused 1, her brother, had created another forged and fabricated document styled as deed of confirmation (Hiba BilMusha) dated 8-3-1990 confirming the oral gift to Accused 1 and also recording handing over of physical possession. **It is her case, that on the basis of these fabricated documents, Accused 1, posing himself to be an absolute owner of the property, executed a lease deed in favour of Accused 4 (the appellant herein in one of the appeals) on 1-12-2008. It is further the case of the complainant, that thereafter Accused 4 executed a sub-lease in favour of Accused 5 — HPCL represented by Accused 6 and 9 within a period of two months i.e. on 30-1-2009 and that Accused 7 and 8 are the attesting witnesses. That is all the case of the complainant.**

20. The complaint filed by Respondent 2 runs into 26 pages and 26 paragraphs. As already discussed hereinabove, it reveals a disputed property claim based on inheritance between the complainant, her sisters and her brother, Accused 1. A perusal of the complaint would further reveal, that the complainant also disputes with regard to the area of the property including the manner of its devolution upon the parents of the complainant and her competing interest with that of her siblings. There is not even a whisper in the complaint that the present appellant i.e. Accused 4 was fully aware that Accused 1 was not the sole beneficiary by inheritance and that the property had devolved upon the complainant and her sisters. Also there is nothing to show that knowing this he has collusively entered into the lease agreement with Accused 1, by creating a false and fabricated will. Though, there is a mention with regard to conspiracy, but there is not even a suggestion with regard to manner of such conspiracy.

....

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."**

The Apex Court holds that an attesting witness cannot be dragged into the criminal trial. The said judgement is followed by the High Court of Chhattisgarh in **NISHANT AGRAWAL v. STATE OF CHHATTISGARH**³, wherein it is held as follows:

"....

14. Thereafter, finally the Collector directed to lodge FIR by holding as under:—

15. On the basis of the aforesaid order/direction passed by the Collector, Sarguja, the above-stated offences have been registered against the petitioners and they are being prosecuted for the offences as noticed herein-above. It is the case of the prosecution that the petitioners have attested the two sale deeds as witnesses and as such, the aforesaid offences have rightly been registered against them along with the sellers and the purchaser of the subject sale deeds.

16. At this stage, it would be appropriate to notice Section 3 of the Transfer of Property Act, 1882 which defines the word "attested", which states as under:—

³ **2021 SCC OnLine Chh 436**

“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;”

17. A careful reading of the aforesaid definition of the word “attested” would show that the essential conditions of a valid attestation under Section 3 of the Transfer of Property Act are:

- (i) two or more witnesses have seen the executant sign the instrument or have received from him a personal acknowledgement of his signature;
- (ii) with a view to attest or to bear witness to this fact each of them has signed the instrument in the presence of the executant.

18. It is essential that the witness should have put his signature *animo attestandi*, that is, for the purpose of attesting that he has seen the executant sign or has received from him a personal acknowledgement of his signature.

19. The Supreme Court in the matter of *M.L. Abdul Jabbar Sahib v. M.V. Venkata Sastri & Sons*⁵ while considering the definition of the word “attested” as provided under Section 3 of the Transfer of Property Act has held that to attest is to bear witness to a fact and if a person puts his signature on the document for some other purpose, e.g. to certify that he is a scribe or an identifier or a registering officer, he is not an attesting witness.

20. In the matter of *Banga Chandra* (supra), the Privy Council has held that attestation by itself would neither create estoppel nor imply consent. It proves no more than that the

signature of an executing party has been attached to a document in the presence of a witness.

21. Similarly, in the matter of *Pandurang Krishnaji* (supra), it has been held by the Privy Council that attestation of a deed by itself estops a man from denying nothing whatsoever expecting that he has witnessed the execution of the deed. It conveys, neither directly nor by implication, any knowledge of the contents of the document and it ought not to be put forward alone for the purpose of establishing that a man consented to the transaction which the document effects.

22. The Lahore High Court in the matter of *L. Suraj Bhan v. Hafiz Abdul Khaliq*⁶ has held that recitals in a deed do not bind the attesting witnesses, for, an attestation pure and simple is not enough to fix, the attestator with a knowledge of the contents of the deed.

23. Likewise, in the matter of *Surjeet Singh v. State of U.P.*⁷ the Allahabad High Court has held that recitals in a deed do not bind the attesting witnesses and thereafter quashed the proceedings against the attesting witnesses. Similar is the decision rendered by that High Court in the matter of *Suraya Bali v. State of U.P.*

24. In the matter of *M. Srikanth v. State of A.P.*⁸ the Telangana High Court quashed the prosecution of the petitioners therein (A-7 and A-8) who were attestors of the lease deed relying upon the decision of the Supreme Court in the matter of *M.L. Abdul Jabbar Sahib* (supra) by holding as under:—

“8. So far as A.7 & A.8 concerned they are mere attestors of the lease deeds or sub lease deeds of the year 2008 & 2009 executed by A.1 in favour of A.4 and in turn by A.4 in favour of A.5. It is their contention of they have no knowledge of the contents and they have no knowledge of the transactions of source of title of A.1 and claim with reference to will dated 02.04.1950 and deed of confirmation dated 08.03.1990. The law is fairly settled at least from the 3 Judge expression of the Apex Court in *M.L. Abdul Jabbar Sahib* (supra) that attestation no way fixing attesting witness with knowledge of contents of the document or implying consent for

contents of documents, unless it is established by any independent evidence that to the signature was attached the express condition that it was intended to convey something more than mere witnessing to the execution or attestation. The attestation mainly to mean executing, signing or affixing in the presence of 2 or more witnesses each of whom has seen the executant signing and vice versa and not necessarily more than one of such witness shall present and no particular form of attestation is necessary. From the private complaint averments so far as A.7 and A.8 concerned, there is nothing specifically mentioned of their active role either in committing any offence of cheating or forgery or forgery for purpose of cheating or using as genuine a forged document or the like. Having regard to the above, even on the face value of complaint averments, there is no any offence made out against A.7 & A.8 therefrom of mere attestation in view of the settled position of law, for nothing to presume any knowledge of them to the contents of the documents leave apart from no duty cast upon them to verify genuineness of source of title of executant of the document for their attesting.

- a). Thus, the proceedings of crime No. 311 of 2010 in so far as A.7 & A.8 are liable to be quashed and accordingly, quashed by allowing the CrI.P. No. 6047 of 2013.
- b). Though it is the contention of A.9 that he is also placed in same position from attestation of the sub lease dated 30.01.2009, it requires further discussion in considering any further role of A.9., so also of A.6 being the employees of the entity-A.5, for the sub lease is in favour of A.5 executed by A.4 the lessee from A.1."

25. The decision rendered by the Telangana High Court in the matter of *M. Srikanth* (supra) was taken to the Supreme Court by accused No. 4 against whom the proceeding was not quashed. The Supreme Court took up the matter of *M. Srikanth v. State of Telangana* and quashed the proceeding against accused No. 4 also and upheld the order quashing the proceeding against the attesting witnesses in paragraphs 27 and 28, which state as under:—

"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 No. 5 - HPCL and its officers accused Nos. 6 and 9 as also accused Nos. 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 of the Cr.P.C.**

28. Insofar as original accused No. 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 the case of *Bhajan Lal* (supra). 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 No. 4. We are of the considered view, that continuation of criminal proceedings against accused No. 4, M. Srikanth, would amount to nothing else but an abuse of process of law. As such, his appeal deserves to be allowed."

26. Reverting to the facts of the present case in light of the aforesaid legal position noticed herein-above, it is quite vivid that in the instant case the only allegation against the present petitioners is that they stood as witnesses during the execution of the sale deeds dated 16/09/2010 by attesting the sale deeds executed by Gaya Prasad, Balgovind and Satyanarayan through their power of attorney holder namely Vinay Kumar Soni in favour of Sanjeev Sharma, Deputy General Manager, Ultratech Cement Ltd. and they have identified the signatures of the sellers who have executed the sale deeds. In light of the principles of law laid down in the aforesaid judgments (supra), it is held that the petitioners were not obliged to verify the title of the sellers upon the said land and they were further not obliged to see that valid title is being transferred in favour of the purchaser i.e. Sanjeev Sharma and their act of attestation as defined under Section 3 of the Transfer of Property Act did not amount to their consent in the said transfer. Merely because they have attested the sale deeds by which title is said to have been transferred by

the sellers namely Gaya Prasad, Balgovind and Satyanarayan in favour of the purchaser namely Sanjeev Sharma, it cannot be held that petitioners committed any kind of fraudulent act for which they are liable to be prosecuted for the aforesaid offences including Section 420 of IPC as it is well settled law that recitals in a deed do not bind the attesting witnesses and by act of attestation, the attestor cannot be said to have the knowledge of contents of the document in question. It is not the allegation made against the petitioners that they either fraudulently executed the sale deed by impersonating the three sellers for alienating the said land or that they have identified wrong persons as sellers/puchasers, as such, prima facie no case is made out against the present petitioners for prosecuting them for the aforesaid offences including Section 420 and 120B of the IPC and similarly, there is no material available against the petitioners for other offences punishable under Sections 467, 468, 471 read with Section 34 of the IPC and Sections 3(1), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989."

(Emphasis supplied at each instance)

Both these judgments follow a three Judge Bench decision of the Apex Court in **M.L. ABDUL JABBAR SAHIB v. M.V. VENKATA SASTRI AND SONS - (1969) 1 SCC 573**. In the light of the settled principle of law that an attesting witness cannot be brought under the web of crime for signing as an attesting witness of a document, the contents of which he obviously would not be aware of, the proceedings against accused No.6, the attesting witness, if permitted to continue would be an abuse of the process of law and

result in miscarriage of justice. Thus, the petition filed by accused No.6 in Crl.P.No.15351 of 2025 deserves to succeed.

12. For the aforesaid reasons, the following:

ORDER

- (i) Criminal Petition No.15375 of 2025 filed by accused Nos. 1, 2 and 4 stands **dismissed**. Interim order of any kind if operating shall stand dissolved.
- (ii) Criminal Petition No.15351 of 2025 filed by accused No.6 is allowed and crime in Crime No.86 of 2025 *qua* petitioner/accused No.6 pending on the file of I Additional Chief Judicial Magistrate, Bengaluru stands quashed.
- (iii) It is made clear that the observations made in the course of the order are only for the purpose of consideration of the case of petitioners under Section

482 of Cr.P.C. and the same shall not bind or influence the proceedings pending against them.

Pending applications if any, also stand disposed.

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

Bkp
CT: MJ