HC-KAR

NC: 2026:KHC:64108
CRL.P No. 228 of 2026

CNR: KAHC010011422026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 228 OF 2026

BETWEEN:

K SREENIVASALU,
S/O LATE KAGGALAPPA,
AGED ABOUT 54 YEARS,
RESIDING AT NO. 2774/2,
23rd WARD NEW HORIZON SCHOOL,
BAGEPALLI TOWN, CHIKKABALLAPURA - 561 207.

...PETITIONER

(BY SRI RAMANA G, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   BY BAGEPALLI POLICE STATION,
   CHIKKABALLAPURA SUB DIVISION,
   CHIKKBALLAPURA 561 207,
   REP. BY STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING COMPLEX,
   BENGALURU 560001.

2. CHANDRAMOULI M,
   S/O M KESHAVARAJU,
   AGED ABOUT 44 YEARS,
   RESIDING AT NO. 7, RMV 2nd STAGE,
   ITI LAYOUT, BENGALURU 560 094

...RESPONDENTS

(BY SRI NAGHARISH G S, HCGP FOR R1,
SRI N KRISHNAMURTHY,ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING

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THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE ENTIRE PROCEEDINGS IN CC.NO.601/2023 (ARISING OUT OF CR.NO.401/2021) OF BAGEPALLI POLICE STATION FOR THE ALLEGED OFFENCE P/U/S. 406, 420 OF IPC PENDING ON THE FILE OF HONBLE CIVIL JUDGE AND JMFC AT BAGEPALLI.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner, the learned HCGP for respondent No.1 and the learned counsel for respondent No.2.

2. This petition is filed to quash the proceeding in C.C.No.601/2023 arising from Crime No.401/2021 registered before Bagepalli Police Station for the offences under Section 406, 420, 504 and 506 of Indian Penal Code.

3. Learned counsel appearing for the petitioner would submit that the complaint is filed on the allegation that the petitioner has not sold the property to the complainant as per the agreement for sale dated 22.02.2019.

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4. It is the further submission that the property does not exclusively belong to the petitioner, the property belongs to some other persons also and those persons are not parties to the agreement for sale and the complaint could not have been filed alleging that the petitioner has not come forward to sell the property.

5. It is the further submission that the complaint is gross abuse of the process of the Court. Assuming that there is an agreement for sale, the remedy for the complainant is to institute a suit for specific performance.

6. It is the further submission that based on the complaint the police called the petitioner to the police station and took signature on the cheques and now the same is misused by the complainant by initiating a proceeding under Section 138 of the Negotiable Instruments Act, 1881. Hence, learned counsel would urge that the petition has to be allowed and the proceedings are to be quashed.

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7. Learned counsel for the second respondent would submit that the petitioner agreed to sell the property by receiving Rs.12,76,000 and the amount is paid through bank transactions. Despite receiving the amount, the petitioner has not come forward to sell the property and had an intention to cheat respondent No.2 from the inception and induced respondent No.2 to pay the amount and thereafter, has not come forward to sell the property. Thus, the act and omission on the part of the petitioner amounts to cheating and the matter requires to be tried.

8. Learned HCGP would submit that the charge sheet is filed and the matter requires trial.

9. The Court has considered the contentions raised at the Bar and perused the records.

10. Learned counsel for the petitioner has urged that the petitioner has not executed an agreement for sale. According to the petitioner the signature is forged. The agreement for sale referred to by the learned counsel for the second respondent would indicate that the property

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was agreed to be sold within 3 months from the date of execution of the agreement dated 22.02.2019. However, the complaint is filed in the year 2026. It is a settled principle of law that mere breach of promise made in a contract in all cases will not attract criminal offence.

11. In the instant case, it is noticed that the complainant has already initiated a proceeding under Section 138 of the N.I. Act, 1881 to recover the amount. The case is still pending consideration.

12. Under these circumstances, the Court is of the view that there are no materials to take a view that the petitioner had an intention to cheat the complainant from the inception. The complaint against the petitioner is misconceived. The police could not have filed the charge sheet.

13. Hence the following:

ORDER

(i) The petition is ***allowed.***

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(ii) The proceeding arising from C.C.No.601/2023 arising from Crime No.401/2021 registered by Bagepalli Police Station is quashed.

(iii) It is made clear that observations made in this order should not be used in the pending case under Section 138 of the N.I Act, 1881.

(iv) The Court has not recorded any finding on the agreement for sale or as to how the cheque is delivered to the complainant.

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(ANANT RAMANATH HEGDE)
JUDGE

brn
List No.: 3 Sl No.: 14