HC-KAR

NC: 2026:KHC:60038
CRL.P No. 818 of 2024

CNR: KAHC010038442024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 818 OF 2024

BETWEEN:

N MARIMUTHU
S/O LATE NALLASWAMY,
AGED ABOUT 60 YEARS,
R/AT NO. 62/A
BESIDE TO MANTRI ASTRA APARTMENT,
NALLASWAMY LAYOUT,
KALYANAGAR POST,
BENGALURU-560 043.

…PETITIONER

(BY SRI. VIJAYKUMAR PRAKASH, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
BY BANASWADI POLICE
NOW REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU-01.

2. SMT ANANDI
W/O MURUGAN C
AGED ABOUT 33 YEARS,
R/AT NO. 8, 1ST FLOOR, 2ND MAIN,
CHIKKANNA LAYOUT,
HENNUR VILLAGE,
KALYANNAGAR POST,

NEAR POLICE CHOWK ROAD,
BENGALURU-560 043.

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,

SRI. N. NANDAN, ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR IN CR.NO.277/2023 OF BANASWADI POLICE REGISTERED FOR OFFENCE P/U/S 506 AND 420 OF IPC AT ANNEXURE-A AND CONSEQUENTLY QUASH THE PCR 55232/2023, PENDING ON THE FILE OF 11TH ACMM AT BANGALORE, AT ANNEXURE-B AND C.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioner - accused in Crime No.277/2023 (arising out of PCR No.55232/2023) registered by the Banaswadi Police Station, for the offences punishable under sections 506 and 420 of IPC, presently pending on the file of XI ACMM, Mayo Hall, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 filed a private complaint against the petitioner herein in PCR No.55232/2023 before the learned Magistrate alleging that her mother one late Saroja happens to be the sister of the petitioner. The grandfather of respondent No.2 one late Nallaswamy died intestate on 12.03.2000. It is further alleged that the said late Nallaswamy had six children namely, Lakshmi, Saroja, Marimuttu, Papathy, Chellamuthu and Ramaswamy. It is alleged that out of six children, Ramaswamy and the petitioner are alive and other children were died. It is further alleged in the complaint that late Nallaswamy purchased a property bearing Sy.No.20/2, Site No.2 measuring 1720 sq.ft. at Byatagutapalya, Ramaswamypalya, Kasaba Hobli, Bengaluru North Taluk in the year 1972 under the registered sale deed. He died intestate leaving behind 6 children, as such, they jointly succeeded his estate and respondent No.2's mother late Saroja is entitled to 1/6th share in the estate of Late Nallaswamy. It is alleged that the petitioner herein fraudulently sold the above property to one Mohan Kumar in the year 2004. The said aspect of the matter came to the knowledge of

respondent No.2 in the year 2017, when the sale deed was challenged by one of the legal heirs of Nallaswamy. In the said civil suit, respondent No.2 arrayed as defendant No.5. Thereafter, in the year 2023, the respondent No.2 filed a private complaint on 22.05.2023 against the petitioner as stated supra.

3. The learned Magistrate, referred the private complaint to the jurisdictional police under Section 156(3) of Cr.P.C. and the said police registered FIR against the petitioner for the aforementioned offences. Aggrieved by the same, the petitioner preferred this petition.

4. Heard the learned counsel for the respective parties.

5. Apart from urging several contention the learned counsel for the petitioner primarily contended that even if the entire allegations in the private complaint and FIR are taken on its face value, still no offence under Sections 420 or 506 of IPC is made out against the petitioner, since the entire dispute is purely civil in nature. He further contended that the alleged

sale deed executed by the petitioner in the year 2004, during that time the mother of respondent No.2 was alive and she died in the year 2013. During her lifetime she had not challenged the sale deed and presently, respondent No.2 being a daughter, filed a false complaint in order to give a criminal colour to the civil dispute pending between the parties. As such, he prays to allow the petition.

6. *Per contra,* learned counsel for respondent No.2 opposed the prayer of the petitioner on the ground that the investigation is still at nascent stage and the petitioner sold the property belongs to all the children of Nallaswamy including the mother of respondent No.2. As such, the petitioner has committed the offences under Sections 420 and 506 of IPC. Accordingly, he prays to dismiss the petition.

7. The prayer is also opposed by the learned HCGP on similar grounds and he prays to dismiss the petition.

8. I have given my anxious consideration to the submission made by the learned counsel for the respective

parties and also perused the FIR, private complaint and other materials on record.

9. As could be gathered from records, the relationship between the parties are not in dispute. The petitioner is the maternal uncle of respondent No.2. The allegation in the complaint that the grandfather of respondent No.2 purchased the property in the year 1972 and the said property was sold by the petitioner to the third party without the consent and knowledge of respondent No.2. However, it is specifically asserted by the learned counsel for the petitioner that the mother of respondent No.2 is the signatory to the sale deed executed by the petitioner in the year 2004 and nevertheless, the mother of respondent No.2 had not questioned the sale deed till her lifetime i.e., till the year 2013. Admittedly, there is a civil dispute pending on the same cause of action in respect of the said property, in the said civil suit the respondent No.2 presently transposed as a plaintiff. Such being the position, it could be gathered that the allegations in the private complaint and the FIR, even if it is taken on its face value, this private

complaint has filed only to give a criminal colour to the civil dispute.

10. The Hon'ble Apex Court in the case of ***BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT*** in ***SLP (Crl) No.15537/2023*** dated 22.05.2026, held in paragraph Nos.52 to 54 as under:

> *"52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.*
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> *53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the*

commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,12 namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

11. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, I am of the considered view that since the dispute between the parties are purely civil in nature, the lodging of the complaint is totally out of vengeance and the continuation of the proceedings against

the petitioner is amounts to abuse of process of Court. Accordingly, I proceed to pass the following:

O R D E R

i. The petition is ***allowed***.

ii. The proceedings against the petitioner - accused in Crime No.277/2023 (arising out of PCR No.55232/2023) registered by the Banaswadi Police Station, for the offences punishable under sections 506 and 420 of IPC, presently pending on the file of XI ACMM, Mayo Hall, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR/List No.: 1 Sl No.: 16