HC-KAR

NC: 2026:KHC:63347
CRL.P No. 1218 of 2025

CNR: KAHC010050432025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1218 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. SRI MUNISHAMAPPA
   S/O. MUNINARASAPPA
   AGED ABOUT 63 YEARS,
   R/AT RAMAIAHNAPALYA,
   DODDABALLAPURA TALUK
   BENGALURU RURAL DISTRICT-561203

2. SRI. PUTTARAJU
   S/O. MUNIRAJAPPA
   AGED ABOUT 36 YEARS,
   R/AT RAMAIAHNAPALYA,
   DODDABALLAPURA TALUK
   BENGALURU RURAL DISTRICT-561203

3. SRI. PRADEEP.J.V.
   S/O. VEERANNA
   AGED ABOUT 37 YEARS,
   R/AT GALIPOOJE, KASABA HOBLI,
   DODDABALLAPURA TALUK
   BENGALURU RURAL DISTRICT-561203

...PETITIONERS

(BY SRI/SMT. SUDHANVA D S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY DODDABALLAPUR RURAL POLICE
   REP. BY SPP
   HIGH COURT OF KARNATAKA

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BENGALURU-560001.

2. ASHWATHAPPA
S/O LATE SONAPPA
AGED ABOUR 70 YEARS,
OCCUPATION FARMER
MARAHALLI VILLAGE, THUBALAKERE HOBLI
DODDABALLAPURA TALUK
BANGALORE RURAL-561203

…RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. VIVEK N., ADVOCATE FOR
SRI. RAHUL S. REDDY., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR IN CR.NO.14/2025 REGISTERED BY THE DODDABALLAPURA RURAL POLICE FOR THE OFFENCE P/U/S 190, 318(4), 329(3), 351, 352 OF THE BNS PENDING BEFORE THE PRL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT AT DODDABALLAPURA BENGALURU RURAL DISTRICT.

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 Petitioners are before this Court seeking for the following reliefs:

a. Quash the fir in cr.no.14/2025 registered by the Doddaballapura Rural Police for the offence p/u/s 190, 318(4), 329(3), 351, 352 of the BNS pending before the Prl.Civil Judge (Jr.Dn) and J.M.F.C court at Doddaballapura Bengaluru Rural District.

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2. Respondent No.2 lodged a complaint on 10.01.2025, on the basis of which Doddaballapura Rural Police Station registered Crime No.14/2025 for the offences punishable under Sections 190, 318(4), 329(3), 351 and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS"). Aggrieved by the registration of the FIR, the petitioners have approached this Court seeking quashing of the proceedings.

3. Sri Sudhanva D.S., learned counsel appearing for the petitioners, submits that respondent No.2 had instituted O.S. No.1440/2024 before the Additional Senior Civil Judge, Doddaballapura, seeking a declaration that he is the absolute owner and is in possession and enjoyment of the suit schedule property. In the said suit, respondent No.2 has challenged the registered sale deed dated 24.09.2004 executed by defendant Nos.1 to 27 in favour of defendant Nos.28 to 30, who are the present petitioners, contending that the sale deed is sham, collusive and not binding on him.

4. Learned counsel submits that respondent No.2 had also filed an interlocutory application seeking an order of temporary injunction. By order dated

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17.12.2024, the Trial Court restrained the defendants from transferring the suit schedule property or creating third-party rights therein until the next date of hearing. However, the Trial Court did not grant the relief sought against interference with possession.

5. Learned counsel contends that, after institution of the civil suit and the refusal of the interim relief concerning possession, respondent No.2 lodged the present complaint on 10.01.2025. According to him, the complaint is an attempt to give a criminal colour to a dispute concerning title and possession, arising out of a registered sale deed executed as far back as 24.09.2004. He therefore submits that continuation of the criminal proceedings would amount to an abuse of the process of law.

6. Sri Vivek N., learned counsel appearing for respondent No.2, submits that the complaint specifically alleges that, on 10.01.2025 at about 2.00 p.m., the petitioners entered the property and attempted to interfere with the possession of respondent No.2, besides abusing him. According to learned counsel, these allegations relate to an incident which occurred on the date of the complaint

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and are not confined to the earlier dispute concerning the sale deed. He therefore contends that the matter requires investigation and that the pendency of the civil proceedings does not prevent the police from investigating the alleged criminal acts.

7. Heard Sri Sudhanva D.S., learned counsel for the petitioners, Smt. Rashmi Patel, learned High Court Government Pleader for respondent No.1, and Sri Vivek N., learned counsel for respondent No.2. Perused the records.

8. A perusal of the records indicates that respondent No.2 instituted O.S. No.1440/2024 seeking a declaration of title and consequential reliefs in respect of the suit schedule property. In paragraph 12 of the plaint, the cause of action is stated to have arisen on 20.09.2024, when the defendants and persons claiming through them allegedly attempted to interfere with and dispossess the plaintiff from the suit schedule property.

9. The plaint further discloses that respondent No.2 questioned the registered sale deed dated 24.09.2004 executed in favour of defendant Nos.28 to 30, who are the present petitioners. Thus, the

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competing claims concerning title and possession of the property, as well as the challenge to the sale deed, were already the subject matter of civil proceedings before the present FIR came to be registered.

10. The Trial Court, by order dated 17.12.2024, granted an interim injunction restraining the defendants from transferring the suit schedule property or creating third-party rights therein. However, the relief restraining interference with possession was not granted. The present complaint came to be lodged thereafter, on 10.01.2025, alleging that the petitioners again attempted to interfere with the possession of respondent No.2.

11. The chronology of events assumes significance. The plaint itself records an allegation of interference with possession on 20.09.2024 and seeks declaratory and injunctive reliefs against the petitioners. The subsequent complaint, lodged after the interlocutory order dated 17.12.2024, again raises a grievance concerning interference with possession of the very same property. Though a further incident is alleged to have taken place on 10.01.2025, the complaint has to be examined in the context of the existing civil

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dispute and the allegations already made in the plaint.

12. It is not disputed that the registered sale deed dated 24.09.2004 is the basis on which the petitioners claim their right over the property. Respondent No.2 has questioned the validity and binding nature of that sale deed in the civil suit. Thus, the parties are already before the competent Civil Court for adjudication of their respective claims over the property. The principal controversy concerns the validity of the sale deed, the title flowing from it and the possession of the suit schedule property.

13. The complaint, on the other hand, alleges that the petitioners made a false claim over the property and attempted to interfere with the possession of respondent No.2. However, the allegations, as placed before this Court, do not disclose a separate transaction of deception by which respondent No.2 was induced to deliver any property or valuable security to the petitioners. The dispute concerning the sale deed and the consequent claim of title was already the subject matter of the civil proceedings.

14. The existence of a civil dispute does not, by itself, exclude criminal liability. Where the allegations

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disclose specific acts constituting an independent criminal offence, the pendency of a civil suit cannot be a ground to terminate the criminal proceedings. Equally, the criminal process cannot be used merely to exert pressure upon the opposite party in a dispute concerning title and possession. The allegations must disclose the essential ingredients of the offences invoked, independently of the competing claims of title.

15. In the present case, the allegation of criminal trespass is founded on the assertion that the petitioners entered the property and attempted to interfere with the possession of respondent No.2. However, the very question of possession and the identity of the rights flowing from the registered sale deed are already in issue before the Civil Court. The complaint does not, on the material placed before this Court, disclose distinct particulars establishing that the alleged entry was made with the intention required to constitute criminal trespass, independently of the existing dispute over possession.

16. Similarly, the allegations of cheating, criminal intimidation and intentional insult have to be

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supported by facts disclosing the ingredients of the respective offences. The assertion that the petitioners claim the property under a sale deed which respondent No.2 disputes, or that they attempted to interfere with his possession, does not by itself establish dishonest inducement, criminal intimidation or intentional insult within the meaning of the BNS. The complaint, as presented before this Court, does not disclose a distinct factual foundation for invoking all the offences alleged in the FIR.

17. The allegation under Section 190 of the BNS also has to be examined with reference to the statutory requirements governing unlawful assembly and the attribution of liability to its members. The mere fact that more than one person is alleged to have participated in a dispute over property cannot, without the necessary particulars concerning the assembly and its common object, automatically attract the provision.

18. The fact that the complaint was lodged after the order dated 17.12.2024, by which the Civil Court declined to grant an injunction against interference with possession, is also a relevant circumstance in the sequence of events. However, the refusal of an

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interim injunction does not, by itself, confer a right on either party to take the law into their own hands. Nor does it prevent the other party from reporting a subsequent criminal act, if one has independently occurred. The significance of the timing lies in the fact that the alleged interference with possession was already the subject matter of the pending suit, and the subsequent complaint substantially reiterates the same dispute without, on the material placed before this Court, disclosing an independent criminal transaction satisfying the ingredients of the offences invoked.

19. Taking into consideration the pleadings in O.S. No.1440/2024, the registered sale deed dated 24.09.2004, the cause of action pleaded in paragraph 12 of the plaint and the subsequent complaint dated 10.01.2025, this Court is of the considered opinion that the criminal proceedings have arisen out of the existing civil dispute concerning title and possession of the suit schedule property. The allegations, as placed before this Court, do not disclose the distinct ingredients necessary to sustain the offences alleged against the petitioners. Continuation of the criminal proceedings

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in these circumstances would amount to an abuse of the process of the Court.

20. In view of the above, this Court passes the following:

ORDER

i. Criminal petition is **allowed**.

ii. Proceedings in Crime No.14/2025 pending before the Prl. Civil Judge (Junior Division) and JMFC, Doddaballapura, Bengaluru Rural District, are quashed.

iii. It is made clear that the observation made in the present matter is only for the purpose of consideration of the petition under Section 482. The trial Court shall decide the civil suit uninfluenced by the observation made in the present proceedings.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 7