HC-KAR
CNR: KAHC010068612021

NC: 2026:KHC:61558
CRL.P No. 1394 of 2021
C/W CRL.P No. 814 of 2021
CRL.P No. 829 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 1394 OF 2021 (482(Cr.PC) / 528(BNSS))

C/W

CRIMINAL PETITION NO. 814 OF 2021 (482(Cr.PC) / 528(BNSS))

CRIMINAL PETITION NO. 829 OF 2021 (482(Cr.PC) / 528(BNSS))

IN CRL.P No. 1394/2021:

BETWEEN:

SRI ANANTHA CHAR S R
S/O S N RAMACHANDRA CHAR
AGED ABOUT 65 YEARS,
R/AT NO.595, DWARKANAGAR
CHANNASANDRA BDA LINK ROAD
BEHIND NANDI FOREST VIEW APARTEMNT
RAJARAJESHWARI NAGARA
BANGALORE SOUTH
BANGALORE-560 098.

...PETITIONER

(BY SRI. SURESH N., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   KEMPEGOWDANAGARA POLICE
   VISHWESHWARAPURAM SUB-DIVISION,
   BENGALURU CITY
   REPRESENTED BY

STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

2. SRI. SHAILESH
S/O LATE V P RUDRAIAH
AGED ABOUT 60 YEARS,
R/AT NO.06, 5TH STAGE,
2ND PHASE, BEML LAYOUT, R R NAGAR,
BENGALURU CITY
KARNATAKA-560 098.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1,
SRI. JAYAKUMAR .S. PATIL, SR. COUNSEL FOR
SRI. S. SATHYANARAYANA CHALKE, ADVOCATE FOR R2,
SRI. ANAND RAMACHANDRA DASS,
ADVOCATE FOR IMPLEADING APPLICANT ON IA.1/2026)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE THE FIR REGISTERED BY THE RESPONDENT NO.1 POLICE IN CR.NO.6/2020 FOR THE OFFENCE P/U/S 417,418,420,120B R/W 34 OF IPC ON THE FILE OF THE XXIV A.C.M.M., AT BENGALURU IN SO FAR AS PETITIONER IS CONCERNED, BY ALLOWING THIS PETITION.

IN CRL.P NO. 814/2021:

BETWEEN:

1. SRI. H. V. RAJANNA
S/O. VENKATACHALAPPA,
AGED ABOUT 51 YEARS,
RESIDING AT NO.20, "SHIVASADHANA",
2ND MAIN, CANARA BANK COLONY,
CHIKKALLASANDRA,
KENGERI UTTARAHALLI MAIN ROAD,
OPP. KARNATAKA BANK, SUBRAMANYAPURA,
BENGALURU-560 061.
EX. DIRECTOR OF KARMIKARA RAITHARA
VASATHI NIRMANA SAHAKARA SANGA LTD.

2. SRI. H. LOKESH
S/O. LATE HANUMANTHAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT NO. 4, 9TH CROSS,
17TH MAIN, MUNESHWARA BLOCK,
BENGALURU-560 026.
EX. DIRECTOR OF KARMIKARA RAITHARA
VASATHI NIRMANA SAHAKARA SANGA LTD.

...PETITIONERS

(BY SRI. VENUGOPAL M S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
KEMPEGOWDANAGARA POLICE,
VISHWESHWARAPURAM SUB-DIVISION,
BENGALURU CITY,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU,
BENGALURU-560 001.

2. SRI. RAVI. T
S/O. THIPPESWAMY,
AGED ABOUT 50 YEARS,
RESIDENT OF NO. 50,
NHCL LAYOUT, BASAVESHWARANAGAR,
BENGALURU CITY,
KARNATAKA-560 079.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI ., ADDL. SPP FOR R1,
SRI. ANAND RAMACHANDRA DASS, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR REGISTERED BY THE RESPONDENT NO.1 POLICE IN CR.NO.11/2020 FOR THE OFFENCE P/U/S 417,418,420,120B R/W 34 OF IPC ONT HE FILE OF THE XXIV A.C.M.M, AT BENGALURU IN SO FAR AS THE

PETITIONERS ARE CONCERNED BY ALLOWING THIS PETITION.

IN CRL.P NO. 829/2021:

BETWEEN:

1. SRI. H. V. RAJANNA
S/O. VENKATACHALAPPA,
AGED ABOUT 51 YEARS,
RESIDING AT NO.20,
SHIVASADHANA,
2ND MAIN, CANARA BANK COLONY,
CHIKKALLASANDRA,
KENGERI UTTARAHALLI MAIN ROAD,
OPP. KARNATAKA BANK,
SUBRAMANYAPURA,
BENGALURU-560 061.

2. SRI. H. LOKESH
S/O. LATE HANUMANTHAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT NO. 4, 9TH CROSS,
17TH MAIN, MUNESHWARA BLOCK,
BENGALURU-560 026.

...PETITIONERS

(BY SRI. VENUGOPAL M S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
KEMPEGOWDANAGARA POLICE,
VISHWESHWARAPURAM SUB-DIVISION,
BENGALURU CITY,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU,
BENGALURU-560 001.

2. SRI. SHAILESH
S/O. LATE V. P. RUDRAIAH,

AGED ABOUT 60 YEARS,
RESIDENT OF NO. 06, 5TH STAGE,
2ND PHASE, BEML LAYOUT,
R.R. NAGAR, BENGALURU CITY,
KARNATAKA-560 098.

...RESPONDENTS

(SRI. MOHAMMED AYUB ALI ., ADDL. SPP FOR R1,
SRI. JAYAKUMAR .S. PATIL, SR. COUNSEL FOR
SRI. S. SATHYANARAYANA CHALKE, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE THE FIR REGISTERED BY THE RESPONDENT NO.1 POLICE IN CR.NO.06/2020 FOR THE OFFENCE P/U/S 417,418,420,120(B) R/W 34 OF IPC ON THE FILE OF XXIV ADDL.C.M.M., BENGALUR, IN SO FAR AS PETITIONERS ARE CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for petitioners, learned counsel for respondent Nos.1 and 2.

2. The prayer is sought for quashing of FIR by the petitioners and while quashing the FIR registered in Crime No.6/2020 by Kempegowda Nagar police station and this Court has to look into the contents of the complaint and typed copy of the complaint is also produced before the court, since the contents of the complaint is not legible and having perused the

contents of the complaint, there are specific accusations made that they have received the money for distribution of site and they said to have issued the hakku patra but not distributed the site and hence invoked offences against the petitioners.

3. The main contention of the learned counsel appearing for the petitioners is that they were not the Directors, at the time of receiving the money for allotment of site. Also learned counsel vehemently contended that the offences which have been invoked will not attract and counsel also brought to notice of this court that the order passed by the High Court in WP No.14831.14862/2017 connected with other matters, wherein it was directed to approach the land acquisition proceedings, if any grievances and hence there cannot be any criminal prosecution.

4. Per contra, learned counsel appearing for the respondent/complainant submits that the police having registered the case and have not investigated the matter and even collected the entire documents, but not completed the investigation. Learned counsel submits that the administrator was appointed earlier and now recently the elections are held

and Co-operative Society is in force and hence a direction may be issued to the police, to conclude the investigation in time.

5. Learned counsel appearing for the State submits that based on the allegation made in the complaint and complaint prima facie discloses committing of an offence and matter requires to be investigated by the investigating officer and there cannot be any scuttling of the investigation proceedings.

6. Having heard the learned counsel appearing for the petitioner and also the counsels for the respondent and also the State and court has to consider the contents of the complaint, while quashing of the FIR. Having perused the contents of the FIR, specific accusations are made that amounts are collected with an assurance that they are going to allot the site in respect of particular survey numbers and even issued the hakku patra, but they have not distributed the sites and hence there is a clear case of cheating. Hence, matter requires to be investigated. While exercising the power under Section 482 of Cr.P.C., this Court is required to look into the contents of the complaint and ascertain whether the contents of the complaint discloses the commission of an offence. If the necessary

ingredients are found in the complaint, the High Court should not venture to quash the FIR and the same is held in the judgment of the Apex Court in 2018 in ***Dineshbhai Chandubhai Patel v. State of Gujarat and Others*** reported in ***(2018) 3 SCC 104*** in paragraph No.30 and also Apex Court says that it is a duty of the Investigation Officer and his domain to unearth the truth.

6. The contention of the learned counsel for the petitioners that the offences will not attract and the same is only after having collected the material by the investigation officer and whether it attracts the alleged offences can be ascertained only after the Investigation officer collects the relevant material and investigation is completed. The further contentions is that he was not a Director at the time of transaction and the same could be put forth before the investigating officer, by the petitioners at the time of investigation. With regard to the order passed by this court in WP is also concerned, whether they have approached the concerned competent authority as observed by the court, it remains with the parties who sought for the relief before this

court and only court has to look into, whether the offences which have been invoked are committed or not? and the same can be investigated by the investigating officer. When such being the case, I do not find any force in the contention of the petitioners counsel at this stage to invoke Section 482 of Cr.P.C., without the investigation and the investigating officer has to look into the same.

7. However, counsel appearing to the respondent would submit that a direction may be given to the investigation officer to investigate and file the appropriate report within a time bound period and there is a force in the said submission and counsel would submit that earlier an administrator was appointed and number of documents are collected from the respondent and even the same are not returned and it is difficult for the functioning of the present society, who have been elected after conducting of an election.

8. Hence, it is appropriate to direct the investigating officer to investigate the matter within a period of 3 months and respective petitioners, as well as complainant are directed to assist the investigating officer in investigating the matter

and assist the Investigating Officer in filing the appropriate report.

With these observations, these petitions are ***disposed of.***

Sd/-
(H.P.SANDESH)
JUDGE

AKV
List No.: 1 Sl No.: 28