HC-KAR
CNR: KAHC010069322020

NC: 2026:KHC:64340
CRL.P No. 876 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.876 OF 2021

BETWEEN:

1. STATE OF KARNATAKA
   BY RAMAMURTHY NAGAR POLICE STATION
   BY STATION HOUSE OFFICE, BENGALURU
   REPRESENTED BY THE STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BENGALURU-560 001.

...PETITIONER

(BY SRI. SUHAS GOWDA M., HCGP)

AND:

1. MR. N. NAGARAJA REDDY
   S/O LATE S.P. NARASIMHA REDDY
   AGED ABOUT 67 YEARS
   R/AT NO.290, 4TH MAIN
   1ST BLOCK, KORAMANGALA
   BENGALURU-560 034.

...RESPONDENT

(BY SRI. Y.K. SHESHAGIRI RAO, ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 30.04.2019 PASSED IN CRL.R.P.NO.25186/2018 ON THE FILE OF THE XXVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT MAYO HALL, BENGALURU AND TO CONFIRM THE ORDER

DATED 17.11.2018 PASSED BY THE COURT OF 10TH ADDITIONAL CHIEF METROPOLITAN MAGISTRATE BENGALURU IN C.C.NO.55602/2014 ON AN APPLICATION FILED UNDER SECTION 239 OF CR.P.C.

THIS PETITION 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 High Court Government Pleader for the State and learned counsel for the respondent-accused.

2. The factual matrix of case of the prosecution before the Trial Court is that this petitioner being the relative of accused Nos.1 and 2 involved in creation of gift deed and accused No.1 created gift deed in favour of his wife accused No.2 and other witnesses also made similar statement before the Investigating Officer in respect of flat No.108, but he is only a signatory to the gift deed executed by accused No.1 in favour of accused No.2, his wife and he is an attesting witness. It is also stated by the C.W.1 and witnesses that when he went and

met accused No.2, accused No.2 informed to go and meet accused No.3 and except this allegation, nothing is found.

3. The Revisional Court also while considering the statement made by C.W.1 in paragraph No.17 comes to the conclusion that there cannot be criminal prosecution against this petitioner and C.W.1 only went to the flat on 04.04.2012, but at that time, accused No.2 claimed herself to be the owner of the said flat and they came to know that accused No.1 in connivance with the relative has executed a gift deed in favour of accused No.2-wife on 26.09.2021. When the husband executes the gift deed in favour of the wife and this petitioner, who is the accused No.3 being an attestor, there cannot be any criminal prosecution invoking the offence under Section 420 of IPC. Apart from that, though other offences are invoked under Section 506 read with Section 34 of IPC, no such statement made either by C.W.1 or any witnesses for having caused threat to the complainant. When such being the case, the Revisional Court, having considered the material on record, in detail, discussed the same that no prima facie material against the accused No.3 and the same was not taken note of by the

Trial Court while rejecting the application filed for discharge and detailed order was passed by the Revisional Court having considered the material available before the Court and except he is a signatory to the gift deed executed between the husband and wife and subsequent sale deed executed by accused No.1 in favour of C.W.6 and C.W.6 in turn sold the property in favour of C.W.1. Hence, there cannot be invoking of offence under Section 420 of IPC against this petitioner is concerned. If any accusation, it is only inter se between accused Nos.1 and 2, if any defraud and the petitioner being the witness to the gift deed cannot be prosecuted and also when no such specific accusation against this petitioner about theft, invoking the offence under Section 506 of IPC also does not arise, since except using the word in collusion document came into existence, no other allegations against the petitioner. Hence, I do not find any force in the contention of learned High Court Government Pleader appearing for the petitioner-State that Revisional Court committed an error and this Court cannot find fault with the order of the Revisional Court in reversing the

order passed by the Trial Court on the application filed under Section 239 of Cr.P.C.

Accordingly, the criminal petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 13