HC-KAR

NC: 2026:KHC:59933
WP No. 3798 of 2022

CNR: KAHC010078482022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.3798 OF 2022 (GM-RES)

BETWEEN:

SRI NAVEEN KUMAR M N
S/O SRI M.L.NAGARAJU,
AGED ABOUT 39 YEARS,
R/A NO.1338, 4TH CROSS,
KRISHNAMURTHYPURAM,
MYSURU-570 004.

…PETITIONER

(BY SRI. ABHINAV R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
JAYAPURA POLICE STATION,
REP. BY THE POLICE INSPECTOR,
MYSORE-570 008.

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

2. DR HANUMANTHAPPA
S/O D.JAYAPPA,
AGED ABOUT 47 YEARS,
R/A NO.411, PREETHI ENCLAVE APARTMENT,
FLAT NO.G-4, 3RD STAGE,
NEAR ADITHYA HOSPITAL, GOKULAM,
MYSURU-570 002.

…RESPONDENTS

(BY SMT.K.P.YASHODHA, ADDITIONAL GOVERNMENT ADVOCATE FOR R1;

SRI SEETHARAMU.S.P, ADVOCATE –ABSENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO ALLOW THE PETITION AND QUASH THE FIR/CRIME BEARING NO.194/2021 DATED 14.11.2021 AT ANNEXURE-A AND COMPLAINT DATED 12.11.2021 AT ANNEXURE-B PENDING ON THE FILES OF THE HON'BLE 2ND ADDITIONAL JUDICIAL MAGISTRATE FIRST CLASS MYSORE IN SO FAR AS THE PETITIONERS IS CONCERNED AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

This Court has already heard the arguments of Sri Abhinav Ramanand, learned counsel for the petitioner.

2. Matter was listed to today to hear the learned counsel for respondent No.2/complainant.

3. Petition under Article 226 of the Constitution of India r/w Section 482 of the Code of Criminal Procedure with the following prayer:

> *"To allow the petition and quash the FIR /Crime bearing No.194/2021 dated 14.11.2021 at Annexure-A and complaint dated 12.11.2021 at Annexure-B pending on the files of the Hon'ble II Additional Judicial Magistrate First Class, Mysore, insofar as the petitioner is concerned."*

4. Second respondent herein filed a complaint with Jayapura Police Station, Mysuru District, on 14.11.2021 which was registered in Crime No.0194/2021 for the offence punishable under Section 420 r/w Section 34 of the Indian Penal Code.

5. The matter was investigated and very filing of the complaint is called in question.

6. Gist of the complaint averments would reveal that in the year 2013 complainant came into contact with M.N. Naveen Kumar/accused No.1 who is the petitioner herein. The complainant being one of the Directors of the Society, was enticed to purchase site No.7 formed in Sy.Nos.101, 104, 104/2, 211 and 212 of Kergally Village, Jayapura Hobli, Mysuru District. Thereafter developmental charges were collected.

7. However, on enquiry with the Panchayat, respondent No.2 said to have been informed that no such site is in existence. Therefore, he filed a criminal complaint as referred to supra.

8. Sri. Abhinav Ramanand, learned counsel for the petitioner would contend that, if respondent No.2 is not interested in the sale of the site, he may return the same and petitioner is willing to return the amount paid by the second respondent after executing necessary documents. He would further contend that, at any rate, it is a civil dispute which has been given the colour of criminality and therefore sought for quashing of the criminal complaint.

9. *Per contra*, Smt.K.P.Yashodha, learned Additional Government Advocate would support the filing of the case and continuation of the investigation.

10. Having noted the fact that site No.7 formed out of the aforesaid survey numbers of Kergalli Village which is a MUDA approved lay out, only on the basis of the statement made by the Panchayat officials, if the second respondent wants to rescind the contract, he may choose to do so by issuing necessary legal notice and demand for refund of the advance amount and the developmental charges which is alleged to have been paid by the complainant to the petitioner.

11. Without exhausting such remedy, approaching the police for a criminal action is nothing but abuse of process of law.

12. Therefore, the following:

ORDER

(i) Petition ***allowed.***

(ii) Pending criminal proceedings in Crime No.0194/2021 dated 14.11.2021 registered by Jayapura Police, Mysuru District stands quashed *qua* the petitioner.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 21
CT:VRR