HC-KAR

NC: 2026:KHC:62245
CRL.P No. 1766 of 2021

CNR: KAHC010085682021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 6TH DAY OF NOVEMBER, 2026**

**BEFORE**

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

**CRIMINAL PETITION NO. 1766 OF 2021 (482(Cr.PC) / 528(BNSS))**

**BETWEEN:**

1. SRI M SRINIVAS
   S/O LATE MUDDAPPA
   AGED ABOUT 54 YEARS

2. SMT K N SUJATHA
   W/O M SRINIVAS
   AGED ABOUT 49 YEARS

3. SRI CHANDAN SRINIVAS
   S/O M SRINIVAS
   AGED ABOUT 25 YEARS

4. SRI LIKITH SRINIVAS
   S/O M SRINIVAS
   AGED ABOUT 26 YEARS

   ALL ARE R/A NO.55/5
   "SHIVAGANGA DWARAKAMAI APARTMENT"
   G-5 D BLOCK
   THIRECHI SWAMI ROAD
   RAJARAJESHWARINAGARA
   BENGALURU-560 098.

...PETITIONERS

(BY SRI. MANJUNATHA B V., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA
   BY RAJARAJESHWARINAGARA

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010085682021

POLICE STATION
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-5600 001.

2. SRI NARAHARI
S/O LATE MUNIREDDY
AGED ABOUT 54 YEARS
R/A NO.9, SHANTHI HOMES
3RD CROSS, NGR LAYOUT
ROOPENAAGRAHARA
BENGALURU-560 068.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1,
SRI. R.S. UMESH, ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S. 482 CR.P.C. PRAYING TO QUASH THE COMPLAINT DATED 19.02.2020 FILED BY THE RESPONDENT NO.2 WITH THE RESPONDENT NO.1 IN CRIME NO.37/2020, IN CC.NO.7724/2020 AGAINST THE PETITIONER, FOR THE OFFENCE P/U/S.406, 420, 504, 506 READ WITH SECTION 34 OF IPC BEFORE THE IV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BANGALORE.

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 learned counsel for the petitioners, learned counsel for respondent/State and complainant/respondent is absent though represented through counsel.

2. The specific allegation made in the complaint stating that in respect of property bearing registration No.55, an agreement of sale was entered and received an amount of Rs.38 lakhs by way of cheque received from CW1, vide Cheque No.112328 and also additional amount of Rs.1,90,000/- as cash, in all an amount of Rs.39,90,000/- and remaining amount of Rs.20,10,000/- payable at the time of registration of sale deed and when this sale agreement was subsisting, with an intention to cheat CW1, the accused Nos.1, 2, 3 and 4 in respect of the flat No.3, sold the same in favour of CW6 on 06.09.2018. Hence, committed the cheating and hence complaint is registered and investigation is conducted and charge sheet is filed. The present petition is filed before this court by the petitioners contending that the registration of case by the complainant is bad in law and also counsel would vehemently contend that this complaint is filed and thereafter also filed a civil suit and these petitioners have availed loan from City Union Bank and valued the market value, each flat valuing to Rs.43 to 45 lakhs and now it is Rs.60 to 65 lakhs and the respondent is showing the sale consideration of 4 flats G1,

G2, G3, F4 is Rs.60,00,000/- only and it clearly shows that respondent no.2 has played fraud on the petitioners and not that the petitioners have played any fraud and continuation of criminal case against the petitioners amounts to a traversity of justice. Hence, it is a fit case to quash the proceedings.

3. Per contra learned counsel appearing for the respondent/State would submit that complaint is filed on 19.02.2020 as per Annexure-A and consequent upon this complaint, Annexure-A FIR was registered in Crime No.37/2020. The counsel also would submit that police have investigated the matter and filed the charge sheet and the fact that there was a sale agreement and the same is also registered document is not in dispute and prima facie discloses the transaction and clear allegation is made that with an intention to cheat, having received the money and entered into an agreement of sale and subsequently sold the sale deed in favour of CW6 and also the very petitioner produced the copy of the agreement of sale. So also the sale deed, when such being the case, it is a matter of trial, whether there was an intention to cheat or not.

4. Having heard the learned counsel appearing for the petitioner and also the counsel appearing for the respondent/State and also considering the material on record, the counsel appearing for the petitioner not disputes that the very sale agreement was registered and having received the money, but only contention was made that having filed this complaint also filed the civil suit and civil suit is also dismissed. When such being the case, there cannot be any criminal prosecution. Having taken note of the material on record, when there was no dispute with regard to the agreement of sale and the same is also a registered document and received the amount of Rs.39,90,000/- and during the subsistence of agreement, sale was made in favour of CW6. When such being the material available on record, before the court and also there is a prima facie material that during the subsistence of agreement when the property was sold in favour of CW6, whether there is an intention to cheat the complainant is a matter of trial and without conducting the matter of trial, the ingredients under section 420 of IPC also cannot be attributed. Hence, the very contention that only with an intention to harass

the petitioner and initiation of criminal prosecution against the petitioner amounts to traversity of justice cannot be accepted and it is a matter of trial with regard to the invoking of the ingredients of the offence invoked against the petitioner under sections 460, 420, 504, 506 of IPC. Hence petitioners have not made out any ground.

In view of the discussion made above, I proceed to pass the following,

This petition is hereby ***dismissed.***

**Sd/-**
**(H.P.SANDESH)**
**JUDGE**

AKV
List No.: 1 Sl No.: 22