HC-KAR

NC: 2026:KHC:62743
CRL.P No. 2152 of 2023

CNR: KAHC010103122023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 2152 OF 2023

BETWEEN:

1. G.R. RAGHU
   S/O LT RANJOJIRAO
   AGED ABOUT 48 YEARS
   RESIDING AT NO 1493
   11TH MAIN, 4TH CROSS
   WEST OF CORD ROAD
   MAHALAKSHMI LAYOUT
   BANGALORE - 560 089.

2. M. SURESH
   S/O MAHIMAGOWDA
   AGED ABOUT 51 YEARS
   RESIDING AT NO 1493
   11TH MAIN, 4TH CROSS
   WEST OF CORD ROAD
   MAHALAKSHMI LAYOUT
   BANGALORE - 560 089.

...PETITIONERS

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

(BY SRI JAGAN MOHAN M.T, ADV.)

AND:

1. THE STATE BY NELAMANGALA
   RURAL POLICE STATION
   NELAMANGALA - 577 501
   REPRESENTED BY THE STATE PUBLIC
   PROSECUTOR, HIGH COURT BLDGS
   BANGALORE - 560 001.

2. B.T. JAYAVANTH
S/O B.T. THIMMARAYAPPA
AGED ABOUT 49 YEARS
RESIDING AT T BEGURU
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT.

…RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;
R-2 SERVED)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE CHARGE SHEET FILED AGAINST PETITIONERS BY THE RESPONDENT NO.1 POLICE FOR THE OFFENCES P/U/S 406 AND 420 OF IPC BASED ON THE COMPLAINT GIVEN BY THE RESPONDENT NO.2 IN CRIME NO.104/2016, IN C.C.NO.1870/2018 PENDING BEFORE PRINCIPAL CIVIL JUDGE AND JMFC AT NELAMANGALA IN BANGALORE RURAL DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Section 482 of Cr.PC is filed with a prayer to quash the entire proceedings in C.C.No.1870/2018 pending before the Court of Prl. Civil Judge & JMFC, Nelamangala, arising out of Crime No.104/2016 registered by Nelamangala Rural Police Station, Bengaluru District, for the offences punishable under Sections 406 & 420 IPC.

2. Heard the learned Counsel for the petitioners and the learned HCGP for the respondent-State. Respondent no.2 who is served in the matter, has remained unrepresented before this Court.

3. First information is filed in the present case by respondent no.2 herein alleging that property bearing Khatha No.125 situated at T.Begur village, Kasaba Hobli, Nelamangala Taluk, totall measuring 5,400 sq. ft. was his father's ancestral property. Petitioner no.1, allegedly, had informed his father who intended to borrow loan for the purpose of starting a small factory that he would arrange for the required loan if the property is transferred in his name. Accordingly, his father executed a registered sale deed in favour of petitioner no.1, who subsequently failed to get any loan sanctioned in favour of his father. Alleging that his father had not received any sale consideration under the sale deed which he had executed in favour of petitioner no.1, respondent no.2 had approached the police. Petitioner no.2 is allegedly the attesting witness to the said sale deed executed by the father of respondent no.2 in favour of petitioner no.1.

4. During the course of investigation, statement of CW-2 who is the father of respondent no.2 herein has been recorded. From a reading of the said statement, it is found that CW-2 had executed the sale deed in respect of the aforesaid property in favour of petitioner no.1 on 28.12.2013, before the office of the Sub-Registrar, Nelamangala. Execution of the said sale deed is, therefore, not in dispute. The allegation now made is that petitioner no.1 with a promise to get the loan sanctioned in favour of CW-2 got the aforesaid sale deed executed in his favour.

5. According to the prosecution, CW-2 has not received any sale consideration under the aforesaid sale deed dated 28.12.2013. Undisputedly, CW-2 has not approached the Civil Court till today challenging the said sale deed nor has he initiated any proceedings against the petitioners herein with the aforesaid allegation.

6. Respondent no.2, who is the son of CW-2 has filed the present complaint against the petitioners herein alleging that they have cheated his father. From a reading of the first

information as well as the statement of CW-2, it is apparent that undisputedly, he had registered sale deed in favour of petitioner no.1 herein in respect of the aforesaid property before the office of the Sub-Registrar, Nelamangala on 28.12.2013. It is not the case of the prosecution that the said sale deed was executed subject to any condition. Therefore, the allegation now made against the petitioners herein, after a period of three years from the date of registration of the sale deed alleging that no payment was received by CW-2 under the sale deed becomes difficult to believe, more so for the reason that no action has been taken by CW-2 against the petitioners herein till date in accordance with law. Under the circumstances, I am of the opinion that continuation of the impugned criminal proceedings as against the petitioners herein would amount to abuse of process of law. Accordingly, the following order:

7. Petition is allowed. The entire proceedings in C.C.No.1870/2018 pending before the Court of Prl. Civil Judge & JMFC, Nelamangala, arising out of Crime No.104/2016 registered by Nelamangala Rural Police Station, Bengaluru

District, for the offences punishable under Sections 406 & 420 IPC, stands quashed, against the petitioners herein.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KK