HC-KAR

NC: 2026:KHC:62461
CRL.P No. 1845 of 2024

CNR: KAHC010109002024

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

**DATED THIS THE 11TH DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAJESH RAI K**

**CRIMINAL PETITION NO. 1845 OF 2024**

**BETWEEN:**

1. SRI RAJENDRA
   S/O MUNILINGAPPA
   AGED ABOUT 52 YEARS,

2. SRI MUNILINGAPPA
   S/O LATE MUNIVENKATAPPA
   AGED ABOUT 85 YEARS,

   BOTH PETITIONERS ARE
   R/AT BAYYAPPANAHALLI
   BIDARAHALLI HOBLI,
   BENGALURU EAST TALUK
   BENGALURU-560 049

...PETITIONERS

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

(BY SRI. NANJUNDA GOWDA M.R, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA
   BY AVALAHALLY POLICE STATION,
   BENGALURU, REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   BENGALURU-560 001

2. SMT MANJULA
   W/O RAJANNA
   AGED ABOUT 47 YEARS,

R/AT RAMPURA VILLAGE
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK
BENGALURU CITY-560 049

…RESPONDENTS

(BY SRI. JAVEED, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS IN C.C.NO.26809/2022 (IN CR.NO.55/2022 OF AVALAHALLY POLICE STATION) FOR THE OFFENCE P/US/ 204, 420, 467, 468, 471 OF IPC, WHICH IS PENDING ON THE FILE OF THE ACMM RURAL COURT, BENGALURU RURAL.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

**ORAL ORDER**

1. This petition is filed by accused Nos.1 and 2 under Section 482 of Cr.P.C. seeking to quash the entire proceedings in C.C.No.26809/2022 arising out of Crime No.55/2022 registered by the 1st respondent - police for the offences punishable under Sections 204, 420, 467, 468, 471 of IPC, pending on the file of the ACMM Rural Court, Bengaluru Rural.

2. The factual matrix of the case is that, respondent No.2 lodged a complaint on 10.02.2022 alleging that her grandmother one Muniyamma had purchased the land bearing

Sy.No.147/1 measuring 1 acre 21 guntas at Mandoor Village Village in the year 1969. After the demise of her grandmother, the revenue entries were transferred in the name of her father Munilingappa. Thereafter, her brother Rajendra behind the back of herself and her sisters, got executed the Gift Deed from her father in respect of aforesaid property depriving her share in the said property and subsequently, by forging her signature as well as her sisters' signature got executed the Release Deed. Thereafter, he got the khatha transferred in his name and formed sites in the said property and sold the same to third parties. On the strength of the said complainant, FIR came to be registered in Crime No.55/2022 for the aforementioned offences. Subsequently, the 1st respondent - police investigated the case and laid charge sheet against the petitioners for the aforesaid offences. Accordingly, the learned Magistrate took cognizance of the offence. Aggrieved by the same, the petitioners are before this Court.

3. Heard the learned counsel for the petitioners and the learned HCGP. Though notice was served, respondent No.2 remained unrepresented.

4. Apart from urging several contentions, learned counsel for the petitioners contended that petitioner No.2 being the father of petitioner No.1 executed the Gift Deed in favour of petitioner No.1 and subsequently, a civil suit in O.S.No.577/2016 has been instituted by respondent no.2 and her sisters against the petitioners seeking partition and separate possession of the property in question. In the said suit, the present petitioners filed I.A.No.2 under Order VII Rule 11 read with Section 151 of CPC seeking rejection of plaint. The Trial Court vide order dated 04.09.2017 allowed the said application and dismissed the said suit. Aggrieved by which, respondent No.2 and her sisters preferred an appeal before this Court in RFA.No.2011/2017, which also came to be dismissed on 10.08.2023. It is only during the pendency of the appeal before this Court, the present complaint came to be lodged. As such, in order to give criminal colour to the civil dispute, respondent No.2, out of wreaking vengeance alleging forgery has lodged the present complaint. Thus, continuation of proceedings against the petitioners would be abuse of process of Court. Accordingly, he prays for allowing of the petition.

5. Learned HCGP, however, opposed the prayer on the ground that since the charge sheet has been filed and the statement of material witnesses prima facie reveal the involvement of the petitioners in the alleged offences of forgery, proceedings cannot be quashed. Accordingly, he prays for dismissal of the petition.

6. I have given my anxious consideration to the submissions of learned counsel for the petitioners and the learned HCGP and perused the material on record.

7. As could be gathered from records and charge sheet material, admittedly, the relationship between the petitioners and respondent no.2 are not in dispute i.e., petitioner No.1 is the brother and petitioner No.2 is the father of respondent No.2. It is also not in dispute that respondent no.2 and her sisters instituted a civil suit against the petitioners in OS.No.577/2016 seeking partition in respect of the very same property mentioned in the complaint. Thereafter, the said suit has been dismissed. Subsequently, this complaint came to be lodged alleging that petitioner No.1 got executed the

Release Deed forging the signatures of respondent no.2 and her sisters, thereby cheating them and depriving them of their share in the property in question. Admittedly, the investigation officer has not taken the admitted signature of respondent no.2 to send the same to the scientific analysis or examination with the forged signature. In such circumstances, it is difficult to analyse whether the signature of respondent no.2 has been forged in the Release Deed. Moreover, since respondent no.2 and her sisters has already been defeated by the petitioners/defendant in the civil suit and the RFA filed against the same also came to be dismissed, it could be presumed that there is no such occasion for the petitioners to execute a forged Release Deed in respect of the vacant property when there is already a Gift Deed executed by petitioner No.2 in favour of his son i.e., petitioner No.1. Thus, it could be gathered from records that a false complaint has been foisted by respondent no.2 against the petitioners out of wreaking vengeance in connection with the civil dispute.

8. The Hon'ble Apex Court in the case of ***BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT*** in ***SLP (Crl) No.15537/2023 dated 22.05.2026***, held in paragraph Nos.52 to 54 as under:

> "52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.
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> 53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to

exercise its inherent jurisdiction under Section 482 of the CrPC.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the CrPC as Page 28 delineated in State of Haryana v. Bhajan Lal,12 namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

9. Further, the Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph No.11 to 14 held as under:

"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the

FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of

investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

> "5. …Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends

of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

> (i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;
>
> (ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;
>
> (iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence

adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death…..” (Emphasis supplied)

> 14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

10. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, it is evident that the complaint has been lodged by respondent No.2 out of vengeance and in order to give a criminal colour to civil dispute and further, the allegations made therein do not constitute the offences alleged against the petitioners. In such circumstances, continuation of criminal proceedings against the petitioners would amount to an abuse of process of Court. Hence, I proceed to pass the following:

**ORDER**

i. The petition is ***allowed***.

ii. The proceedings against the petitioners in C.C.No.26809/2022 arising out of Crime No.55/2022 registered by the 1st respondent - police for the offences punishable under Sections 204, 420,

467, 468, 471 of IPC, pending on the file of the ACMM Rural Court, Bengaluru Rural are hereby quashed.

**SD/-**
**(RAJESH RAI K)**
**JUDGE**

PKS
List No.: 1 Sl No.: 25