HC-KAR

CNR: KAHC010116182024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1907 OF 2024

BETWEEN:

1. SMT SUMALATHA S
   W/O LATE SRINIVASA
   AGED ABOUT 47 YEARS,

2. SRI. LOKESH S
   S/O LATE SRINIVASA
   AGED ABOUT 27 YEARS,

3. SRI. PAVAN KUMAR S
   S/O LATE SRINIVASA
   AGED ABOUT 25 YEARS,

   ALL ARE RESIDING AT NO. 137
   SULIBELE ROAD,
   NEAR NEW BUS STAND,
   DEVANAHALLI TOWN -562 110

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. VIJAYA SHEKARA GOWDA V, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY CHANNARAYAPATNA POLICE STATION,
   CHANNARAYAPATNA
   CHANNARAYAPATNA HOBLI,
   DEVANAHALLI TALUK
   BENGALURU RURAL DISTRICT

PIN CODE 562 135
REPRESENTED BY SPP
HIGH COURT BUILDING,
BENGALURU-560 001

2. SRI. M NARAYANASWAMY
S/O LATE K MUNIAJJAPPA
AGED ABOUT 48 YEARS,
R/AT NAGANAYAKANAHALLI
CHANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK
BNAGALORE RURAL DISTRICT
PIN CODE: 562 135

…RESPONDENTS

(BY SRI. MAHEHA P, HCGP FOR R1,
R2 - NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR AGAINST THE PETITIONER IN CR.NO.13/2022 REGISTERED BY THE IST RESPONDENT OF CHENNARAYAPATNA P.S., AS PER ANNEXURE L ON THE BASIS OF THE COMPLIANT LODGED BY THE 2nd RESPONDENT FOR THE ALLEGED OFFENCE PU/S.420,468,471,109 OF IPC AND SEC.3(1)(p) OF SC/ST (POA) 2015 AMENDMENT ACT AS PER ANNEXURE M AND CHARGE SHEET FILED BY THE IST RESPONDENT IN SPL.C.NO.12/2024 AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/US/.420,468,471,109 OF IPC AND U/S.3(1)(p) OF SC/ST (POA) 2015 AMENDED ACT AS PER ANNEXURE Q PENDING ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT AT BENGLAURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioners - accused Nos.1 to 3 in Spl.C.No.12/2024 (arising out of Crime No.13/2022 registered by Chennarayapatana Police Station), for the offences punishable under Sections 420, 468, 471, 109 of IPC and Section 3(1)(p) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act'), presently pending on the file of II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru (for short, 'the learned Special Judge').

2. The brief facts of the case are that the respondent No.2 lodged the complaint before respondent No.1-Police on 19.02.2022 alleging that prior to 13 years from the date of lodging the complaint, he was suffering from kidney problem and therefore, he was in need of money. As such, he and his father borrowed a sum of Rs.6 to 7 lakhs from Srinivasa i.e., husband of petitioner No.1-Sumalatha. At the time of lending the amount, Srinivasa allegedly obtained their signatures on blank papers and blank cheques as security. Subsequently,

Srinivasa initiated proceedings in O.S. No.260/2018 before the Court of the Senior Civil Judge and JMFC, Devanahalli and after his death, petitioners allegedly misused the said documents and obtained an order for recovery of Rs.48,00,000/-.

3. The respondent No.2 further alleged that, out of the compensation received for acquisition of the lands belonging to his parents by Karnataka Industrial Area Development Board (KIADB), they paid Rs.48,00,000/- to petitioner No.1. Despite the said payment, petitioner No.1, through one Rajappa, initiated further proceedings in respect of their land. During the subsequent panchayat, the petitioners allegedly demanded additional money pursuant to the intervention of the village elders, the respondent No.2 paid Rs.5,50,000/- through RTGS to accused No.1. However, the petitioners failed to return the signed blank papers and cheques as agreed.

4. It is further alleged that the respondent No.2 and his family members had purchased 1 acre and 30 guntas of land at Polanahalli Village from H. Anjinappa on 11.01.2021 for Rs.35,00,000/-. Petitioners by allegedly misusing the previously obtained signed blank papers, fabricated a sale deed dated

12.10.2018, falsely showing that respondent No.2 and his parents had sold the said land in favour of petitioner No.1. The respondent No.2 contended that the signatures appearing on the said document were forged.

5. The respondent No.2 also alleged that petitioners abused him by referring to his caste and threatened him with dire consequences, including assault and murder, when he questioned their acts. Hence, alleging cheating, forgery, criminal intimidation, caste-based abuse and unlawful attempts to grab his property, the respondent No.2 lodged a complaint against the petitioners.

6. On the strength of the said complaint, the respondent No.1-police registered the FIR against the petitioners in Crime No.13/2022 for the aforementioned offences. Subsequently, the said police investigated the case and laid charge sheet against the petitioners for the aforementioned offences by arraying petitioners as accused Nos.1 to 3. Accordingly, learned Special Judge took cognizance of the offences. Aggrieved by the same, the petitioners preferred this petition.

7. Heard the learned counsel for the petitioners and learned HCGP for respondent No.1-State. Despite service of notice, the respondent No. 2 remained unrepresented.

8. The primary contention of the learned counsel for the petitioners is that the entire dispute between the petitioners and respondent No.2 is in respect of specific performance of contract in connection with the execution of the sale agreement by respondent No.2 and his family members in favour of the petitioner No.1 in connection with the property bearing Sy.No.47 New No.108 measuring 1 acre 30 guntas situated at Polanahalli Village. According to him, respondent No.2 and his family members after executing the sale agreement and after receiving the advance sale consideration of Rs.15,00,000/- avoided to execute the sale agreement. As such, the petitioner No.1 lodged a complaint before the Deputy Superintendent of Police (DYSP), Bengaluru Rural District on 07.09.2021 against respondent No.2 and after an enquiry the police have issued an endorsement on 14.09.2021 stating that since the dispute essentially civil in nature both the parties shall workout the remedy before the Civil Court. Thereafter, in

the year 2022 i.e., on 19.02.2022 the present complaint came to be lodged against the petitioners by respondent No.2 without there being any date, time or the manner in which the offences have been committed. According to him, respondent No.1-Police on the behest of respondent No.2 mechanically laid a charge sheet against the petitioners by stating that the petitioner No.1 has executed as sale deed instead of sale agreement. Thus he contended that even if the entire allegations in the FIR and charge sheet are taken on its face value, still no offence has been made out against the petitioners for which they have been charge sheeted. Accordingly, he prays to allow the petition.

9. *Per contra*, learned HCGP opposed the prayer of the petitioners on ground that now that charge sheet has been submitted by respondent No.1-police against the petitioners and the statement of materials witnesses i.e., CWs.2 to 6 categorically stated about the transaction and cheating, forgery committed by the petitioners to the respondent No.2 in connection with the forged sale agreement. As such, the

statements of those witnesses have to be tested in a detail trial. Accordingly, he prays to dismiss the petition.

10. I have given my anxious consideration both on the submission made by the learned counsel for the respective parties and perusal of the entire charge sheet averments.

11. As could be gathered from records, on 12.10.2018 agreement of sale was executed between the petitioners and respondent No.2 and his family members in respect of property bearing Sy.No.47 New No.108 measuring 1 Acre 30 guntas situated at Polanahalli Village, wherein respondent No.2 and his family members are owners of the said property and the petitioners were agreed to purchase the said property for a valuable sale consideration of Rs.25,00,000/-. In the said agreement it is mentioned that, the petitioners have paid Rs.15,00,000/- by ways of two cheques and cash. Further, those cheques were encashed by respondent No.2. Thereafter, it is the case of the petitioners that respondent No.2 failed to execute the sale deed. Thereby, they caused a legal notice to respondent No.2 for performance of the contract and also instituted the suit in O.S.No.1342/2023 before the Senior Civil

Judge and JMFC, Devanahalli for specific performance of the contract. Additionally, on 07.09.2021 petitioner No.1 also lodged a complaint before the Deputy Superintendent of Police, Doddaballapura, Bengaluru Rural District against respondent No.2 and his family members that they threatened the petitioners in connection with the agreement of sale that they would file a complaint against the petitioners under the provisions of SC/ST Act. However, based on the said complaint, the DYSP conducted an enquiry and thereafter, issued an endorsement. Later, on 19.02.2022 the present complaint came to be filed by respondent No.2.

12. On careful scrutiny of the complaint filed by respondent No.2, it is specifically admitted in the complaint that in respect of the execution of the sale agreement. However, it is stated that on 12.10.2018, the forged sale deed was executed by the petitioners in connection with their property. Admittedly, in the entire charge sheet, no such sale deed was forthcoming. On instruction, the learned HCGP also submitted that no such sale deed was executed between the parties except the sale agreement dated 12.10.2018. Admittedly, there

is civil dispute pending between the parties which was instituted by the petitioners against the respondent No.2 and his family members for specific performance of contract. Nowhere in the complaint, specific date of the incident, time or place of the incident stated in respect of the alleged abuse made by the petitioners by mentioning the caste of respondent No.2. Except some bald and omnibus allegations in the complaint and the statement of all the witnesses, absolutely no such *prima facie* allegations are forthcoming against the petitioners for the offence under the provisions of SC/ST Act nor IPC, since admittedly the dispute between the parties is purely civil in nature. It is submitted by the learned counsel for the petitioners that respondent No.2 have filed their written statement in the civil suit.

13. In such circumstances, it could be gathered that this complaint has been filed by respondent No.2 against the petitioners by wreaking vengeance in order to give a criminal colour to the civil dispute.

14. In such circumstances, 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.*
>
> *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 Cr.P.C.*
>
> *54. The present case falls squarely within the well-settled categories warranting interference*

under Section 482 of the Cr.P.C 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."

15. 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."*

16. Further, the Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or 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 circumstance, Court owes a duty to look into the FIR with care and a little more closely. 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. On the other hand, the Court owes a duty to look into many other attending circumstance

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 Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

17. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, I am of the considered view that even if the entire allegations of the complaint and charge sheet are taken on its face value, no such *prima facie* case is made out against the petitioners for the offences they have been charge sheeted and the complaint has been filed by the respondent No.2 out of vengeance in order to give a criminal colour to the civil dispute. In such circumstances, the continuation of the proceedings against petitioners would amounts to abuse of process of Court. Accordingly, I proceed to pass the following;

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ORDER

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

ii. The proceedings against the petitioners - accused Nos.1 to 3 in Spl.C.No.12/2024 (arising out of Crime No.13/2022 registered by Chennarayapatana Police Station), for the offences punishable under Sections 420, 468, 471, 109 of IPC and Section 3(1)(p) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, presently pending on the file of II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR/List No.: 1 Sl No.: 6