HC-KAR

NC: 2026:KHC:63879
WP No. 8224 of 2022

CNR: KAHC010177972022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 8224 OF 2022 (GM-RES)

BETWEEN:

1. SMT. V. SHANTHAMMA,
   W/O CHIKKAVENKATEGOWDA,
   AGED ABOUT 75 YEARS,
   R/AT VENKATEGOWDA LAYOUT,
   KEMPAPURA VILLAGE,
   BANGALORE NORTH TALUK,
   NOW AT BHAKTHARAHALLI VILLAGE,
   JANGAMMA KOTTE HOBLI,
   SIDDLAGHATTA TALUK.

2. SRI. N. SONNEGOWDA,
   S/O LATE NARAYANAPPA,
   AGED ABOUT 60 YEARS,
   R/AT NO.67, 1ST CROSS,
   ASHOKANAGAR, VIJAYAPURA TOWN,
   DEVANAHALLI TALUK.

...PETITIONERS

(BY SRI. CHOKKAREDDY, ADVOCATE)

Digitally signed by CHETAN B C
Location: High Court of Karnataka

AND:

1. STATE BY AMRUTHAHALLI POLICE STATION,
   BANGALORE CITY,
   REP. BY PUBLIC PROSECUTOR,
   BANGALORE - 560 092.

2. C.V. SUBBARAJU,
   S/O NARASAIAH,

AGED ABOUT 59 YEARS,
R/AT NO.1263, 4TH CROSS,
MANJUNATH LAYOUT, R.T. NAGAR,
BANGALORE - 560 032.

…RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R-1;

SRI. S. NAGARAJ, ADVOCATE FOR R-2 [ABSENT])

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA R/W SECTION 482 OF CRIMINAL PROCEDURE CODE, PRAYING TO QUASH FIR IN CRIME NO.318/2021 DATED 31.12.2021 FOR ALLEGED OFFENCE SECTIONS 427, 452, 453, 34 OF IPC REGISTERED BY THE R-1 CONSEQUENTLY QUASH THE PCR NO.21385/2021 IS PENDING BEFORE 7TH ACMM AT BANGALORE AS ANNEXURES-A AND B RESPECTIVELY.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Chokkareddy, learned counsel for the petitioners and Smt.K.P.Yashodha, learned Additional Government Advocate, for respondent No.1.

2. The matter was listed for arguments on behalf of respondent No.2. Counsel for respondent No.2 remained absent continuously.

3. Petition under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code, is filed by the petitioners with the following prayers:

> *"a) Issue writ of certiorari or any writ or direction by quashing FIR in Crime No.318/2021 dated: 31-12-2021, for alleged offence section 427, 452, 453, 34 of IPC registered by the 1st Respondent. Consequently quash the PCR.No.21385/2021 is pending before 7th ACMM at Bangalore as Annexure-A & B respectively.*
>
> *b) grant such other reliefs deems fit under facts and circumstances of the case in the interest of justice and equity."*

4. Facts which are utmost necessary for disposal of the present petition are as under:

(a) Respondent No.2 Sri.C.V.Subbaraju filed a complaint with Amruthahalli Police Station on 31.12.2021 for the offences punishable under Sections 427, 452, 453 read with Section 34 of the Indian Penal Code, which was registered in Crime No.318/2021.

(b) Gist of the complaint averments would reveal that respondent No.2 filed a private complaint contending that he purchased the property bearing No.50 measuring 30 feet x 45 feet carved out in Sy.Nos.5/1, 5/4 of Kempapura Village, Bangalore North Taluk, on 29.04.2013 from Shanthamma (accused No.1).

(c) In respect of the said transaction, petitioner No.1 herein being the first accused in the aforesaid crime, filed a private complaint in P.C.R.No.14255/2013 and a 'B' report came to be filed. Shanthamma has challenged the 'B' report and also filed a suit in O.S.No.6778/2014 which is also pending for adjudication.

(d) According to the complainant, when the matter stood thus, on 29.03.2021 at about 09:30 a.m., petitioners herein trespassed into the said property illegally and damaged the gate, lock and the asbestos sheet. It is also contended that there was a writing on compound wall about the pendency of the suit with black paint and therefore, sought for action.

(e) Police after registering the case, are investigating the matter.

5. Sri.Chokkareddy, learned counsel for the petitioners would contend that the suit filed by the petitioner No.1 herein in O.S.No.6778/2014 seeking cancellation of the sale deed dated 29.04.2013 in favour of respondent No.2 got decreed and suit filed by respondent No.2 in O.S.No.4564/2013 came to be dismissed by common judgment and the appeals are pending against the said judgment. According to him, there was no sale at all in favour of respondent No.2 by the petitioner No.1 herein and therefore, question of trespass etc., would not arise at all.

6. He would further contend that all that the petitioners did is they mentioned the pending suit number on the compound wall to caution the prospective buyers of the suit property from respondent No.2 for which a false complaint came to be lodged alleging the trespass, etc., and thus, sought for quashing of the pending proceedings.

7. Smt.K.P.Yashodha, learned Additional Government Advocate supported the registration of the case, as the same was referred to the police by the learned Trial Magistrate under Section 156(3) of the Cr.P.C. and would contend that investigation needs to be continued to unearth the truth in the incident.

8. Since respondent No.2 is represented by counsel who failed to address arguments, this Court noted the material on record.

9. Admittedly, the civil suit filed by the petitioner No.1 having been decreed and suit filed by the respondent No.2 being dismissed which is now pending adjudication before the appellate forum, ownership rights are still being litigated in the civil proceedings.

10. Petitioners herein are said to have cautioned the general public about the pending litigation in respect of Site No.50 referred to *supra* by painting it on the compound wall,

would not *ipso facto* result in an action of trespass and other related offences.

11. Therefore, when there is a genuine dispute as to the title, this Court is of the considered opinion that protection taken by the petitioners to caution the general public in painting the pending suit number on the compound wall, would not get attracted any offences as alleged by the respondent No.2.

12. Thus, continuation of the criminal proceedings in the considered opinion of this Court is nothing but abuse of process of law.

13. Accordingly, a case is made out to quash the pending proceedings.

14. Hence, the following:

O R D E R

[I] Petition is ***allowed***.

[II] Consequently, FIR in Crime No.318/2021 dated 31.12.2021 registered by respondent No.1 and proceedings in P.C.R.No.21385/2021 pending on the file of the 7th Additional Chief Metropolitan Magistrate at Bangalore, *qua* the petitioners is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

CBC
List No.: 1 Sl No.: 27