HC-KAR

NC: 2026:KHC:62621
CRL.P No. 3282 of 2024

CNR: KAHC010190942024

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. 3282 OF 2024 (482(Cr.PC) / 528(BNSS))

BETWEEN:

NAGARAJU
S/O RUDRAPPA
AGED ABOUT 53 YEARS
R/O NUGGEHALLI VILLAGE
NUGGEHALLI HOBLI
CHANNARAYAPATNA TALUK
HASSAN DISTRICT 01

...PETITIONER

(BY SRI. PRATHEEP K C., ADVOCATE)

AND:

REKHA D H
W/O MANJUNATHA
AGED ABOUT 31 YEARS
R/AT KANCHINAKOTE VILLAGE
BELLUR HOBLI
NAGAMANGALA TALUK
MANDYA DISTRICT 01

...RESPONDENT

(BY SRI. KUMARA K G., ADVOCATE(ABSENT))

Digitally signed by LAKSHMINARAYANA MURTHY RAJASHRI
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.568/2023 PENDING ON THE FILE OF HONBLE II ADDL. CIVIL JUDGE AND JMFC, CHANNARAYAPATNA, FOR THE OFFENCE P/U/S 420 AND 464 OF IPC IN SO FAR AS PETITIONER IS CONCERNED.

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

CNR: KAHC010190942024

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Code of Criminal Procedure, 1973 seeking to quash proceedings against the petitioner/accused No.3 in C.C No.568/2023 (arising out of PCR No.287/2023) pending on the file of II Additional Civil Judge and JMFC, Channarayapatna for the offences punishable under sections 420 and 464 of IPC.

2. The abridged facts of the case are that, respondent - complainant, filed a private complaint under Section 200 of CrPC against the petitioner and others in PCR No.287/2023 before the II Additional Civil Judge and JMFC, Channarayapatna on 26.05.2023. It is alleged in the private complaint that accused No.1-Chaithra and accused No.2-Venkatesh are the sister and brother in law of the respondent. In connection with joint family property of respondent's family, the respondent instituted a suit in O.S. No.87/2022 before the Senior Civil Judge and JMFC at Channarayapatna for partition and separate possession in the year 2022. In the said suit, the petitioner-accused No.3, accused Nos.1 and 2 i.e. Chaithra and the

Venkatesh, without naming the respondent, produced a false family tree of the respondent and obtained khata with the help of the same. As such, it is stated in the private complaint that the petitioner committed offences under Sections 420 and 464 of IPC. On the strength of the said private complainant, the learned Magistrate, after recording the evidence of the complainant, took cognizance of the aforesaid offences and issued summons to the accused petitioner. Aggrieved by the same, the petitioner preferred this petition.

3. Heard the learned counsel for the petitioner and there is no representation on behalf of the respondent.

4. Apart from urging several contentions, the learned counsel for the petitioner/accused No.3 contended that, on perusal of the complaint averments, except some omnibus allegation stating that this petitioner i.e. accused No.3 being known to accused Nos.1 and 2 and with his help, accused Nos.1 and 2 obtained a false family tree, there are no other averments made in the complaint as well as in her evidece. Thus, he contended that the said allegation does not attract the

provision under Sections 420 and 464 of IPC. Accordingly, he prays to allow the petition.

5. I have given my anxious consideration both on the submission made by the learned counsel for the petitioner and perused the documents made available on record.

6. On careful examination of the averments made in complaint and also the evidence of complainant - CW1, , it is stated that the accused Nos.1 and 2 obtained a false family tree without mentioning the name of the complainant-respondent, who being the family member of the accused No.1 and they placed the same before the Tahsildar and got the khata/entries changed. Admittedly, there is a civil suit between the complainant and accused No.1 and other family members for the relief of partition and separate possession of the several properties. Be that as it may. Even otherwise, on careful perusal of the complaint and the evidence of CW1, no specific allegation is made to show that in what manner this petitioner assisted or helped the accused Nos.1 and 2 in obtaining the family tree. Admittedly, on the strength of the family tree, the

Tahsildar changed the name of accused Nos.1 and 2. No specific overt acts attributed against this petitioner.

7. In such circumstances, the complaint averments on face of it reveals that the same is filed out of vengeance. 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:-*
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> > *"(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."

8. Further, on careful examination of the evidence of complainant-respondent, it is evident that she has merely reiterated the contents of her complaint. No new material or specific allegation has been brought on record beyond what was already stated in the complaint. This material aspect has not been properly considered by the learned Magistrate, who proceeded to take cognizance of the alleged offences.

9. In view of the aforesaid circumstances, the order passed by the learned Magistrate warrants interference. Moreover, on a careful consideration of the allegations contained in the complaint and the evidence of respondent recorded before the learned Magistrate, no prima facie case is made out against the petitioner for the offences alleged against him. Therefore, continuation of the proceedings against the petitioner/accused Nos.3 would amount to an abuse of the process of Court.

10. Accordingly, I proceed to pass the following;

ORDER

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

ii. The proceedings against the petitioner/accused No.3 in C.C No.568/2023 (arising out of PCR No.287/2023) pending on the file II Additional Civil Judge and JMFC, Channarayapatna for the offences punishable under Sections 420 and 464 of IPC, is hereby quashed.

iii. It is made clear that the proceedings shall continue against the other accused.

Sd/-
(RAJESH RAI K)
JUDGE

CS
List No.: 1 Sl No.: 10