IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3428 OF 2024

C/W

CRIMINAL PETITION NO. 4686 OF 2024

IN CRL.P No. 3428/2024

BETWEEN:

1. SRI NANDARAJU
   S/O LATE VENKATARAYARAJU,
   AGED ABOUT 76 YEARS,

2. SMT. SATHYABHAMA
   W/O SRI. NANDARAJU
   AGED ABOUT 68 YEARS,

3. SRI. DUSHYANTH
   S/O SRI. NANDARAJU,
   AGED ABOUT 39 YEARS

   PETITIONERS 1 TO 3 ARE
   R/O NO.327-A, 5TH MAIN ROAD,
   B.C.C LAYOUT,
   BANGALORE 560040

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. RAVI C.S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY CHANDRA LAYUOT POLICE STATION
   BY ITS STATION HOUSE OFFICER
   2ND CROSS, BASAVESHWARA HBCS LAYOUT,
   2ND STAGE, CHANDRA LAYOUT,
   ATTIGUPPE, BENGALURU -560 040

REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE -560 001

2. SRI. V. MUNIRAJU
S/O LATE VENKATARAYARAJU
AGED ABOUT 69 YEARS,
RESIDING AT NO.92,
4TH CROSS, B.C.C LAYOUT,
VIJAYANAGAR
BANGALURU- 560 040

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. V.K. RAMESH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 10.10.2023 OF THE HON'BLE VIII ACMM COURT, BENGALURU AS PER DOCUMENT NO.2 THAT HAS BEEN PASSED BASED ON THE PRIVATE COMPLIANT PCR NO.17051/2022 DATED 25.11.2022 WHEREIN THE CHANDRA LAYOUT POLICE (RESPONDENT NO.1) HAS BEEN DIRECTED TO COMMENCE INVESTIGATION BY THE HON'BLE VIII ACMM COURT UNDER SEC.156(3) OF CRPC.

IN CRL.P NO. 4686/2024

BETWEEN:

SRI PUTTARAJAIAH A
S/O LATE N. ARUNACHALAPPA,
AGED ABOUT 79 YEARS,
RESIDING AT NO.124/10
16TH MAIN ROAD,
INDUSTRIES AND COMMERCE LAYOUT,
BANGALORE 560 040

...PETITIONER

(BY SRI. RAVI C.S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CHANDRA LAYOUT POLICE STATION,
BY ITS STATION HOUSE OFFICER,

2ND CROSS, BASAVESHWARA HBCS LAYOUT,
2ND STAGE, CHANDRA LAYOUT,
ATTIGUPPE, BENGALURU -560 040

REPRESENTED BY THE STATE
PUBLIC PROSECUTOR/ HCGP
HIGH COURT OF KARNATAKA,
BANGALORE-560 001

2. SRI. V MUNIRAJU
S/O LATE VENKATARAJU,
AGED ABOUT 69 YEARS,
RESIDING AT NO. 92, 4TH CROSS,
B.C.C LAYOUT 2ND STAGE,
VIJAYANAGAR
BENGALURU-560 040

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
DR. LAVANYA RAMESH FOR
SRI. V.K. RAMESH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 10.10.2023 OF THE HON'BLE VIII ACMM COURT, BENGALURU AS PER DOCUMENT NO.2 THAT HAS BEEN PASSED BASED ON THE PRIVATE COMPLIANT PCR NO.17051/2022 DATED 25.11.2022 WHEREIN THE CHANDRA LAYOUT POLICE (RESPONDENT NO.1) HAS BEEN DIRECTED TO COMMENCE INVESTIGATION BY THE HONBLE VIII ACMM COURT UNDER SEC.156(3) OF CRPC.

THESE PETITIONS HAVING BEEN RESERVED FOR ORDERS ON 28.10.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

These two petitions are filed under Section 482 of Cr.P.C seeking to set aside the order dated 10.10.2023 passed in PCR (FR No.17051/2022) by the VIII Additional Chief Metropolitan Magistrate, Bengaluru (for short, 'the learned Magistrate') and to quash the FIR against the petitioners/accused Nos.1 to 4 in Crime No.472/2023 (arising out of PCR (FR No.17051/2022) registered by Chandra Layout Police Station for the offences punishable under Sections 415, 420, 463, 464, 468, 471 r/w section 34 of IPC, pending on the file of aforesaid learned Magistrate.

2. The factual matrix of the case are that, respondent No.2-complainant lodged the complaint alleging that accused No.1 is his brother, accused No.2 is the wife of accused No.1, accused No.3 is their son, and accused No.4 is another person allegedly involved in the transaction. Respondent No.2 contends that he and the accused are members of an undivided Hindu family and that accused No.1, being the Kartha of the family, was managing its affairs.

3. It is alleged that the subject property, situated at No.29, 5th Cross, B.C.C. Layout, Vijayanagar, Bengaluru, was

acquired from the nucleus of the joint family and that respondent No.2 contributed towards its purchase and construction. Respondent No.2 further alleges that accused No.1, in collusion with the other accused, forged his signature on a General Power of Attorney dated 27.12.2002 and, on the strength of the said document, executed a registered partition deed dated 02.06.2010 and based on that, transferred the property to accused No.3, thereby depriving respondent No.2 of his lawful share in the property.

4. It is further alleged that respondent No.2 repeatedly requested accused No.1 to partition the joint family properties, but the accused failed to honour the assurances given by him. Consequently, respondent No.2 instituted a suit for partition and separate possession in O.S.No.3290/2011 before the Additional City Civil Court, Bengaluru, which is stated to be pending adjudication. During the pendency of said suit, respondent No.2 sought scientific examination of the disputed signature on the General Power of Attorney under Order XXVI Rule 10A of CPC.

5. Respondent No.2 alleges that accused persons acted in furtherance of their common intention to fabricate

documents and unlawfully transfer the subject property in favour of accused No.3. Further, the General Power of Attorney is forged and that the partition deed executed on its basis is invalid and does not bind him. Despite his efforts to resolve the dispute amicably, accused persons allegedly refused to partition the properties. Hence, respondent No.2 lodged the private complaint against the petitioners/accused.

6. On the strength of said private complaint, FIR came to be registered in Crime No.472/2023 against the petitioners for the aforementioned offences. Aggrieved by the same, accused Nos.1 to 3 have preferred Crl.Pet.No.3428/2024 and accused No.4 has preferred Crl.Pet.No.4686/2024 to quash the FIR registered against them.

7. Heard the learned counsel for the petitioners, the learned High Court Government Pleader for respondent No.1 - State and the learned counsel for respondent No.2 – complainant in both the petitions.

8. The primary contention of the learned counsel for the petitioners in both petitions is that, the learned Magistrate, while referring the private complaint to the jurisdictional police under Section 156(3) of the Cr.P.C., failed to apply his judicious

mind and mechanically referred the private complaint for registration of the FIR. It is further contended that respondent No.2 instituted the private complaint with an intention to give a criminal colour to a civil dispute, in respect of which respondent No.2 had already instituted O.S.No.3290/2011 on 07.05.2011, seeking partition and separate possession of the joint family properties. According to the learned counsel, the present complaint came to be lodged after a lapse of nearly eleven years from the institution of the civil suit, particularly after the police had earlier returned the complaint dated 17.10.2022. It is also contended that the FSL report relied upon by the respondent No.1-police was questioned in the civil proceedings during the course of cross-examination, by disputing the admitted and disputed signatures. On these grounds, the learned counsel prays for allowing the petition. In support of his contentions, he places reliance on the judgment of the Hon'ble Apex Court in ***BHIKHUBHAI GOVINDBHAI PATEL AND ANOTHER V. STATE OF GUJARAT AND ANOTHER*** - ***2026 LiveLaw (SC) 593***.

9. *Per contra*, learned counsel for respondent No.2 and the learned HCGP opposed the petitions, contending that mere pendency of a partition suit is not a ground to quash the

criminal proceedings initiated against the petitioners for the serious offences of forgery and cheating. It is further contended that the petitioners, colluding with each other, concocted the General Power of Attorney dated 27.12.2002 and, on the strength of the said document, executed a partition deed and based on the said deed, transferred the ancestral property in favour of accused No.3. It is also submitted that the disputed General Power of Attorney was referred to the FSL for examination and the opinion of the expert indicates that the signature appearing on the document differs from the admitted signature of respondent No.2. In such circumstances, it is contended that, when the investigation is still at a nascent stage, the proceedings cannot be quashed. Accordingly, they sought dismissal of the petitions.

10. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and also perused the entire materials on record.

11. As could be gathered from the averments of the private complaint, the primary allegation against the petitioners is that they, in collusion with each other, forged the General Power of Attorney dated 27.12.2002 purportedly executed by

respondent No.2 and, on the strength of said document, executed a partition deed and based on that, they transferred the ancestral property in favour of accused No.3. Immediately upon coming to know of the alleged act, respondent No.2 instituted suit in O.S.No.3290/2011 seeking partition and separate possession, along with consequential relief of injunction. Subsequently, on 17.10.2022, respondent No.2 lodged a complaint before the police alleging forgery of the aforesaid General Power of Attorney. However, the police did not register an FIR and issued an endorsement in that regard. Thereafter, the disputed General Power of Attorney was referred to the FSL for examination, and the report indicated a discrepancy between the disputed and admitted signatures. In the above circumstances, respondent No.2 proceeded to file the present private complaint.

12. The Hon'ble Apex Court, in ***SHARLA BAZLIEL V. BALDEV THAKUR AND OTHERS*** - ***2026 LiveLaw (SC) 256***, held that criminal proceedings cannot be quashed in a petition filed under Section 482 of the Cr.P.C. when the FSL report is available or its consideration is pending. In the present case, the FSL report indicates a discrepancy between the disputed

and admitted signatures. Therefore, the allegation of forgery requires proper investigation by respondent No.1-police.

13. Nevertheless, the matter is at a nascent stage and the investigation has not progressed beyond the preliminary steps taken immediately after registration of the case. The relevant evidence is yet to be collected upon a thorough investigation and placed before the Court. At this stage, this Court cannot anticipate the outcome of the investigation or record a finding on the allegation of forgery merely on the basis of the defence raised by the petitioners. Therefore, the complaint cannot be thrown out at the threshold on the basis of an unsubstantiated defence. In the case on hand, the complaint and the material collected thus *prima facie* disclose the commission of a cognizable offences against the petitioners.

14. As regards the contention of the petitioners that the learned Magistrate failed to apply judicious mind while referring the matter under Section 156(3) of the Cr.P.C., on perusal of the order dated 10.10.2023, it is evident that the learned Magistrate considered the private complaint and the accompanying affidavit in detail and recorded a finding that a

prima facie case was made out against the petitioners. Hence, the aforesaid contention of the petitioners cannot be accepted.

15. In view of the foregoing discussion, I am of the considered opinion that the allegations in the private complaint and the material available on record *prima facie* warrant investigation. The petitioners have failed to make out any ground for quashing the FIR under Section 482 of the Cr.P.C. Hence, the petitions, being devoid of merits, are hereby ***dismissed.***

SD/-
(RAJESH RAI K)
JUDGE

PKS/K