HC-KAR

NC: 2026:KHC:61884
WP No. 12383 of 2022

CNR: KAHC010274782022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 12383 OF 2022 (GM-RES)

BETWEEN:

MS. SUCHITA SRIDHAR
D/O SRI. M.H. SREEDHAR
AGED ABOUT 33 YEARS
PERMANENTLY RESIDING AT
FLAT NO.204, 2ND FLOOR
AT NO.17, DURGA FLUTE,
YESWANTHPUR,
INDUSTRIAL SUBURB,
BENGALURU - 560 022.

...PETITIONER

(BY SRI. SUNIL S. RAO, ADVOCATE FOR
SRI. T. SHESHAGIRI RAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
KADUGODI POLICE STATION
BANGALORE RURAL DISTRICT,
BANGALORE - 560 067,
REP. BY ITS POLICE INSPECTOR.

2. SMT. NUPUR AGARWAL NEE JAIN,
W/O SRI. VIKAS AGARWAL
AGED ABOUT 40 YEARS
R/A VILLA A9, STERLING VILLA GRANDE,
SEEGEHALLI, KADUGODI
WHITEFIELD MAIN ROAD
BENGALURU - 560 066.

...RESPONDENTS

(BY SMT. WAHEEDA M.M, HCGP FOR R1;
R2 - SERVED)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF THE CR.PC PRAYING TO ALLOW THE PETITION AND QUASH THE FIR BEARING NO.144/2021 AT ANNEXURE-A AGAINST THE PETITIONER AND COMPLAINT DTD. 20.10.2020 AT ANNEXURE-B PENDING ON THE FILES OF THE HONBLE 1ST ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT BENGALURU RURAL AT BENGALURU IN SO FAR AS THE PETITIONER IS CONCERNED VIDE ANNEXURE-B AND ETC.,.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Sunil S. Rao, learned counsel appearing for Sri.T.Sheshagiri Rao, learned counsel for the petitioner and Smt.Waheeda M. M., learned High Court Government Pleader for respondent No.1. Respondent No.2 is served with the notice and remained absent.

2. Petitioner is shown as accused No.2 in the FIR registered in Crime No.144/2021 by Kadugodi Police Station on 26.08.2021 for the offence punishable under Sections 463, 464, 467, 468, 471, 474 and 420 read with Section 34 of Indian Penal Code.

3. Petition is filed under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayers:

> a. *" To allow the Petition and Quash the F.I.R. bearing No.144/2021 at Annexure-A against the Petitioner and Complaint dated 20.10.2020 at Annexure-B pending on the files of the Hon'ble 1st Additional Chief Judicial Magistrate, at Bengaluru Rural at Bengaluru in so far as the petitioner is concerned vide Annexure-B.*
>
> b. *Grant such other relief/s as this Hon'ble Court deem fit to meet the ends of Justice."*

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

4.1. Respondent No.2 filed a private complaint with Additional Chief Judicial Magistrate, Bengaluru in PCR No.366/2020 against the petitioner herein who is shown as accused No.2 and her husband who is accused No.1.

4.2. Gist of the complaint averments would reveal that complainant and her husband are leaving separately. On 29.08.2020, when the complainant was cleaning her house, she caught hold of two agreement papers which on verification,

revealed that her husband with active collusion with present petitioner, a rental agreement was concocted wherein signature of the complainant was forged. It is also found from the said document that accused No.1 has received Rs.12,00,000/- from the petitioner herein.

4.3. On further verification with regard to the bank loan in Punjab National Bank Housing Finance Limited, she has noticed that her signatures were forged on those documents as well. Therefore, she has sought for action against the petitioner and her husband.

5. Police after receipt of necessary communication from the jurisdictional Magistrate under Section 156(3) of Cr.P.C., have registered a case in Crime No.144/2021 and are investigating the matter.

6. Registration of the FIR is called in question by the petitioner in this petition.

7. Learned counsel for the petitioner would contend that dispute between accused No.1 and respondent No.2 resulted in divorce proceedings and there is a document that

was executed by respondent No.2 in favour of accused No.1 whereby she has already relinquished all her right, title and interest in favour of accused No.1 which is a registered document. Therefore, continuation of the present criminal case would be a futile exercise atleast insofar as the petitioner is concerned. Therefore, very registration of the complaint itself has resulted in abuse of process of law and thus sought for quashing the pending criminal case.

8. Learned counsel for the petitioner would also contend that on 27.05.2017 itself, when respondent No.2 has relinquished her right, title and interest in respect of accused No.1 through a registered instrument, there is no subsisting right in favour of respondent No.2 to lodge a complaint with the jurisdictional Magistrate alleging that accused No.1 and present petitioner have colluded together and created a rent agreement by forging the signature of respondent No.2 and thus sought for allowing the petition.

9. He would further contend that during the period of Covid-19 pandemic, there was a proceedings initiated by financier with regard to non-payment of loan amount of

accused No.1 by invoking Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and at that juncture, it is the petitioner who has paid the money to the financier to protect the property from being auctioned in public pursuant to the proceedings initiated under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and petitioner continues to be in possession of the property which was jointly purchased by respondent No.2 and accused No.1.

10. He would also contend that necessary proceedings have been initiated before this Court, before the Debt Recovery Tribunal as well as before the Civil Court by the petitioner as against respondent No.2 and others which would *prima facie* establish that petitioner is a law abiding citizen and is not a party to any of the alleged fraud/cheating or falsification of the document and thus sought for quashing the pending criminal case.

11. Per contra, learned High Court Government Pleader for respondent No.1 would contend that petitioner can place all these materials before the Investigation Officer. Investigation

Officer would definitely take into consideration all these aspects of the matter and file appropriate report as is contemplated under Section 173 of Cr.P.C. and this Court cannot hold a mini trial as to the contentions that has been urged on behalf of the petitioner having regard to the scope of petition under Article 226 of Constitution of India read with Section 482 of Cr.P.C. and thus sought for dismissal of the petition.

12. Respondent No.2 is served with the notice of this petition and remained absent.

13. Having heard the arguments of both the sides, this Court perused the material on record meticulously.

14. On such perusal of the material on record, there is no dispute that the property which is in occupation of the petitioner as a tenant was jointly purchased by respondent No.2 and her husband who is accused No.1.

15. It is the specific case in the complaint lodged with jurisdictional Magistrate by respondent No.2 that she is not a party in the rental agreement with the petitioner and she has come to know about the same while she was cleaning the

house and she was surprised to know that accused No.1 has received sum of Rs.12,00,000/- from the petitioner herein.

16. Whether at all, there was a valid release deed executed by respondent No.2 in favour of accused No.1 whereby she had lost all her right, title and interest in the property which is in occupation of the petitioner or not cannot be decided by this Court by holding a mini trial.

17. Likewise, signature found on the rental agreement is a forged signature or not cannot also be decided by this Court, at this stage, by holding a mini trial.

18. When there is a specific allegation made by respondent No.2 as against the petitioner and accused No.2 with regard to forging of signature of respondent No.2 on the alleged rent agreement, it is for the investigation agency to investigate the matter and file appropriate report.

19. Likewise, it is for the investigation agency to consider whether there was a valid release deed executed by respondent No.2 in favour of accused No.1 in the year 2017 itself and therefore, she has no subsisting interest in respect of

the property which is in occupation of the petitioner so as to set criminal law in motion.

20. If the investigation agency, after thorough investigation, finds that the release deed is valid and the signature found on the rent agreement said to have been executed by respondent No.2 and accused No.1 in favour of the petitioner is genuine, appropriate report would be definitely filed by the investigation agency as is contemplated under Section 173 of Cr.P.C.

21. It is always open for the petitioner to challenge the adverse report if any, after thorough investigation.

22. Reserving such liberty for the petitioner, following:

ORDER

Petition is ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 12