HC-KAR
NC: 2026:KHC:64510
CRL.P No. 549 of 2021
CNR: KAHC010276372020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.549 OF 2021

BETWEEN:

1. SMT. GEETHA SHIVAMURTHI
W/O SHIVAMURTHI
AGED ABOUT 57 YEARS
PERMANENT
R/O 2ND MAIN, 16TH CROSS
VINOBHANAGARA
DAVANAGERE - 577 001.

…PETITIONER

(BY SRI. SAGAR B.B., ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
REPRESENTED BY THROUGH PSI
RMC YARD POLICE STATION
DAVANAGERE - 577 001.

2. THE SPECIAL LAND ACQUISITION OFFICER
NATIONAL HIGHWAY AUTHORITY
CHITRADURGA - 577 501.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. PRABHA GOUD TUMBIGI, ADVOCATE FOR
SRI. B.V.PRAKASHA ANGADI, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED

17.06.2020 LODGED BY THE RESPONDENT NO.2 TO THE RESPONDENT NO.1 VIDE DOCUMENT NO.1 AND TO CONSEQUENTLY QUASH THE REGISTRATION OF FIR IN CR.NO.32/2020 DATED 17.06.2020 REGISTERED AS AGAINST THE PETITIONER FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 465, 468, 471 AND 420 OF IPC AND CONSEQUENTLY ABSOLVE THE PETITIONER OF ALL THE ALLEGATION MADE IN THE COMPLAINT VIDE DOCUMENT NO.2.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioner, learned Additional SPP for respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed praying this Court to quash the FIR registered against this petitioner in Crime No.32/2020 based on the complaint dated 17.06.2020 at Document No.1.

3. The specific accusation made in the complaint is that re-survey No.57/2 is an agricultural land, but made the false statement and produced the false document that the same is converted for non-agricultural purpose and obtained more compensation by defrauding the State and inspite of

repeated request made to repay the amount, failed to repay the amount. Hence, complaint is filed and police have registered the case invoking the offence under Sections 465, 468, 471 and 420 of IPC.

4. Learned counsel appearing for the petitioner would vehemently contend that with an oblique motive, the case is registered against this petitioner belatedly after a long gap of more than nine years. The counsel also submits that even according to the allegations made in the complaint, the Davanagere Mahanagara Palike in its meeting held on 29.01.2011 in respect of Subject No.14, had resolved that the property belonging to the petitioner was not converted from agricultural to non-agricultural purposes and therefore, khatha numbers assigned to the property of the petitioner were cancelled. Even from that day, there was no immediate action initiated in this regard. Hence, the complaint being lodged is belated one and that too, a pick and choice made against this petitioner and no such cases are registered against any other persons. The counsel also submits that the alleged decision of the Davanagere Mahanagara Palike dated 29.01.2011 was

neither communicated to the petitioner nor an opportunity of being heard prior to the decision or resolution was afforded to the petitioner, in order to substantiate and justify the documents produced by the petitioner. The counsel also would vehemently contend that, if proceedings are continued, it would lead to miscarriage of justice and it is nothing but an abuse of process. Hence, it requires interference of this Court.

5. This Court heard the matter earlier and when learned counsel for the petitioner made the submission that property was converted, directed to produce the order of conversion. The counsel submitted that he has applied for copy and could not get the same and sufficient opportunity was given to learned counsel for the petitioner to produce the same. Today also, the counsel would submit that he is unable to get the same.

6. Per contra, learned counsel for respondent No.2 would submit that there no such conversion of property, but specific allegation is made in the complaint that petitioner has created the document and obtained higher compensation and the same is also produced before the Arbitrator. When specific

accusation is made and complaint does disclose commission of offence, invoked the offence under Sections 465, 468, 471 and 420 of IPC against the petitioner. When such being the case, there cannot be any quashment of FIR and the police have to investigate the matter and unearth the truth.

7. Learned Additional SPP for respondent No.1 also would submit that, if really such conversion order is passed, the petitioner can produce the same before the Investigating Officer at the time of investigation.

8. Having heard learned counsel for petitioner, learned counsel appearing for respondent No.2 and learned Additional SPP for respondent No.1, the crux of the issue is with regard to collecting higher compensation relying upon the conversion order. The said conversion order is not produced before the Court, inspite of sufficient opportunity being given, when the contention was taken before this Court that property was converted. But, the Court has to take note that when specific accusation is made and the complaint does disclose committing of an offence and the petitioner has indulged in creation and fabrication of document and made use of those documents

before the Arbitrator, ingredients of offence under Section 471 of IPC also attracts, particularly with regard to Sections 420 and 468 of IPC.

9. When such cognizable offence is made out in the complaint and the Apex Court in the judgment of ***DINESHBHAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS*** reported in **(2018) 3 SCC 104** has categorically held in paragraph No.30 that the High Court should not venture to quash the FIR, if complaint does disclose committing of an offence. When such principle is laid down and there is a force in the contention of learned Additional SPP appearing for respondent No.1-State that, if really the conversion order is passed, the same can be produced before the Investigating Officer and the said submission is accepted. If the petitioner produces the same, the Investigating Officer can file a 'B' report and if no such order is produced, the Investigating Officer can file a 'A' report. The very contention of learned counsel appearing for respondent No.2 is that in the complaint specific accusation is made with regard to creation

and fabrication of document by the petitioner. When such being the case, I do not find any ground to quash the FIR.

10. In view of the discussion made above, I pass the following:

ORDER

The criminal petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 11