HC-KAR

NC: 2026:KHC:63183
CRL.P No. 7405 of 2025

CNR: KAHC010336232025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 7405 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. SRI SYED PEER
   S/O LATE NOORDHI SAB,
   AGED ABOUT 71 YEARS,

2. SMT. THASEENA
   D/O SYED PEER
   AGED ABOUT 53 YEARS,

3. SRI. IMRAN,
   D/O LATE FAKRULLA KHAN,
   AGED ABOUT 33 YEARS,

4. SRI. SYED KALEEM,
   S/O SYED PEER
   AGED ABOUT 42 YEARS,

   ALL ARE RESIDING AT,
   CHIKKABETTAHALLI,
   VIDYARANYAPURA VILLAGE,
   BENGALURU-560097

...PETITIONERS

(BY SRI. PRATHEEP.K.C.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REP. BY VIDYARANYAPURA POLICE STATION
   BENGALURU DISTRICT
   REP. BY ITS
   STATE PUBLIC PROSECUTOR

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HIGH COURT OF KARNATAKA
BANGALORE-01

2. SMT. FATHIMA
D/O LATE NOORDHI SAB,
AGED ABOUT 56 YEARS,
R/AT CHIKKABETTAHALLI VILLAGE
VIDYARANYAPURA POST
BANGALORE 560097

3. SMT. SHAMSHAD,
D/O LATE NOORDHI SAB,
AGED ABOUT 48 YEARS,

4. SMT. SHAHTAJ,
D/O LATE NOORDHI SAB,
AGED ABOUT 48 YEARS,

BOTH ARE R/AT CHIKKABETTAHALLI VILLAGE
VIDYARANYAPURA POST
BANGALORE 560097

…RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. H.M. SOMASHEKARAIAH., ADVOCATE FOR R2 TO R4)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR IN CR.NO.13/2025 BY VIDYARANYAPURA POLICE ARISING OUT OF (PCR NO.11865/2024) PENDING ON THE FILE OF THE HONBLE VII A.C.J.M BENGALURU CITY FOR THE OFFNECE P/U/S 3(5),318(4),336(2),336(3) OF BNS.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

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1. *Quash the fir in Cr.No.13/2025 by Vidyaranyapura Police arising out of (Pcr No.11865/2024) pending on the file of the Honble VII A.C.J.M Bengaluru City for the offence p/u/s 3(5),318(4),336(2),336(3) of BNS.*

2. Respondent Nos.2 to 4 filed a private complaint under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in PCR No.11865/2024 on 30.08.2024. The complaint was referred to the jurisdictional police for investigation, pursuant to which Vidyaranyapura Police Station registered Crime No.13/2025 on 11.01.2025 for the offences punishable under Sections 3(5), 318(4), 336(2) and 336(3) of the Bharatiya Nyaya Sanhita, 2023. Aggrieved by the registration of the FIR, the petitioners have approached this Court seeking quashing of the proceedings.

3. Sri Pratheep K.C., learned counsel appearing for the petitioners, submits that respondent Nos.2 to 4 had earlier lodged a police complaint in Crime No.15/2010 for the offences punishable under Sections 467, 420, 506 and 509 read with Section 34 of the IPC. Upon investigation, the police filed a 'B' report on 23.02.2010, recording that a civil suit in

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O.S. No.6720/2009, concerning the very same property and disputes, was pending before the competent Civil Court. Since the dispute was essentially civil in nature and was pending adjudication in the said suit, the police opined that no criminal offence was made out.

4. Learned counsel submits that O.S. No.6720/2009 was instituted by the family members of late Sri Syed Nooruddin, wherein respondent Nos.2 to 4 herein were arrayed as plaintiffs Nos.2 to 4, respectively.

5. Learned counsel further submits that the suit in O.S. No.6720/2009 came to be dismissed by judgment and decree dated 25.04.2024. The present private complaint was filed only thereafter, on 30.08.2024, despite the very dispute and allegations concerning the documents having already been raised in the civil proceedings.

6. According to learned counsel, the allegations in the present private complaint are substantially the same as those raised in O.S. No.6720/2009. The

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complainants allege that the sale deed dated 19.03.1991 is fabricated and that the partition deed dated 16.12.1986, the agreement of sale dated 08.10.1984 and the affidavit dated 27.10.1987 are also fabricated documents. Learned counsel submits that the genuineness of these very documents and the allegations of fabrication were matters in issue in the civil suit. The Civil Court, by its judgment and decree dated 25.04.2024, rejected the claim of the plaintiffs. Despite the said adjudication, the complainants have once again raised the same allegations by initiating the present criminal proceedings.

7. Learned counsel therefore contends that the present complaint is an attempt to reopen a dispute which has already been considered and decided by the Civil Court. The filing of the private complaint after dismissal of the suit, on the same allegations and in respect of the same documents, is an abuse of the process of law. He further submits that, if aggrieved by the judgment and decree dated 25.04.2024, the respondents ought to pursue the remedy of appeal, rather than initiate criminal proceedings on the same factual foundation.

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8. Notice having been served on respondent Nos.2 to 4, counsel had entered appearance on their behalf. However, the said counsel has not been appearing in the matter. On 27.10.2026, this Court recorded that, in the event of there being no appearance on behalf of respondent Nos.2 to 4, the matter would be considered on the basis of the submissions made by learned counsel for the petitioners. Even today, none has appeared on behalf of respondent Nos.2 to 4. Accordingly, the matter is taken up for consideration in their absence.

9. Heard Sri Pratheep K.C., learned counsel for the petitioners, and Smt. Rashmi Patel, learned High Court Government Pleader for respondent No.1. Perused the records.

10. The suit in O.S. No.6720/2009 was instituted seeking a declaration of ownership in respect of the property bearing Sy. No.2/1, measuring 20 guntas, situated at Chikkabettahalli Village, Yelahanka Hobli, Bengaluru North Taluk. In the said suit, the plaintiffs had questioned the genuineness of the sale deed dated

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19.03.1991 and the partition deed dated 16.12.1986. They had also alleged that the agreement of sale dated 08.10.1984 and the affidavit dated 27.10.1987 were fabricated. Thus, the allegations concerning the genuineness of the very same documents, which form the basis of the present private complaint, had been raised in the civil proceedings.

11. The Civil Court, by judgment and decree dated 25.04.2024, dismissed the suit and rejected the claim of the plaintiffs. The present private complaint in PCR No.11865/2024 was instituted on 30.08.2024, after dismissal of the suit. The sequence of events is therefore relevant: the allegations concerning the same documents had earlier been raised in the civil proceedings and were followed by a criminal complaint after the civil suit came to be dismissed.

12. It is also relevant that an earlier complaint concerning the same dispute had resulted in registration of Crime No.15/2010. Upon investigation, the police filed a 'B' report on 23.02.2010, referring to the pendency of O.S. No.6720/2009 and the civil nature of the dispute. The present complaint has now been filed after the

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civil suit itself has been dismissed. The petitioners' contention is that the complainants, having failed to secure a declaration of their claimed rights in the civil proceedings, are seeking to pursue the same allegations through criminal proceedings.

13. A civil dispute, merely because it concerns property or title, does not by itself exclude the possibility of criminal proceedings. Equally, the dismissal of a civil suit does not, by itself, operate as a bar to prosecution for an independently disclosed criminal offence. The question in the present case, however, is whether the complaint discloses a distinct criminal act supported by material, or whether it merely seeks to revive the very allegations concerning the genuineness of the documents which were already raised in the civil suit.

14. The allegations in the present private complaint concern the sale deed dated 19.03.1991, the partition deed dated 16.12.1986, the agreement of sale dated 08.10.1984 and the affidavit dated 27.10.1987. These are the very documents whose genuineness was questioned in O.S. No.6720/2009. The Civil Court thereafter dismissed the suit by a

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reasoned judgment and decree dated 25.04.2024. The present complaint, filed shortly thereafter, seeks to set the criminal law in motion on the basis of the same allegations and documents.

15. In the circumstances, the dismissal of the civil suit cannot be treated merely as an event in the history of the dispute. The findings recorded by the Civil Court concerning the very documents and allegations relied upon in the present complaint are relevant to examine whether the subsequent criminal proceedings disclose an independent basis for prosecution. The complainants have not appeared before this Court to point out any distinct transaction, subsequent act of forgery or fresh material which would justify initiating criminal proceedings afresh in respect of the same documents.

16. It is also submitted by learned counsel for the petitioners that the judgment and decree dated 25.04.2024 have been challenged in appeal. If the respondents are aggrieved by the findings of the Civil Court, they are required to pursue the remedy available in law against the said judgment and

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decree. The criminal process cannot be employed merely as another means of re-agitating the same dispute, particularly when the allegations in the present complaint are founded on the very documents and claims considered in the civil proceedings.

17. Having regard to the earlier criminal complaint, the 'B' report filed in Crime No.15/2010, the adjudication of the civil dispute in O.S. No.6720/2009 and the subsequent filing of the present private complaint on substantially the same allegations, this Court is of the considered opinion that the present proceedings constitute an attempt to give a criminal colour to a dispute which has already been the subject matter of civil adjudication. In the absence of any distinct material disclosing an independent offence, continuation of the criminal proceedings would amount to an abuse of the process of the Court.

18. Accordingly, this Court is of the opinion that the proceedings in Crime No.13/2025, arising out of PCR No.11865/2024, warrant interference in exercise of the inherent jurisdiction of this Court. The petition is liable to be allowed.

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19. As such, this Court passes the following:

ORDER

i) Criminal petition is ***allowed.***

ii) FIR in Crime No.13/2025 registered by Vidyaranyapura Police Station arising out of PCR No.11865/2024 pending on the file of VII Additional Chief Judicial Magistrate, Bengaluru City for offences under Section 3(5), 318(4), 336(2), 336(3) of the Bharatiya Nyaya Sanhita, 2023 are quashed.

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(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 20