IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7157 OF 2024

BETWEEN:

1. SRI. K. JYOTHI NAIDU
AGED ABOUT 35 YEARS,
S/O. SRI.K.GAJENDAR NAIDU
RESIDING AT NO.36, 2ND MAIN,
ITTAMADU MAIN ROAD,
BEHIND S.G.HOSPITAL,
BANASHANKARI 3RD STAGE,
BENGALURU-560 085,

2. SMT.D.BHANUMATHI
AGED ABOUT 32 YEARS,
W/O. SRI.SURESH S,
RESIDING AT NO.171/2,
2ND MAIN ROAD, 1ST CROSS,
SHIVGANAGA LAYOUT,
UTTARAHALLI,
SUBRAMMANYAPURA,
BENGALURU-560 061,

...PETITIONERS

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

(BY SRI. SOMESHA G.K, ADVOCATE AND
SRI. B.G. LOKESHA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SUBRAMANYAPURA POLICE STATION,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001,

2. SMT.K.V.SATHYAVATHI
AGED ABOUT 84 YEARS,
W/O. LATE SRI.T.L.RAMAYYA,
RESIDING IDING AT NO.13,
VENKATASWAMAPPA LAEN,
LALBAG, UPPARAHALLI,
BENGALURU-560 004,

3. SMT. REVAMMA

4. SRI. NARAYANASWAMI V

5. SMT. RUDRANAMMA

6. SMT. RAJAMMA

7. SRI. BASAVARAJU

8. SRI. SHIVARUDRAPPA

(RESPONDENTS NO.3 TO 8 ARE DELETED AS PER
THE COURT ORDER DATED 21.08.2024)

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. D.L. JAGADEESH, SENIOR COUNSEL FOR
SMT. RAKSITHA D.J, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR NO.024/2020, CHARGE SHEET AND THE ENTIRE PROCEEDINGS IN C.C.NO.7111/2023 ON THE FILE OF THE IIND ADDL. CMM AT BENGALURU FOR THE OFFENCE P/US/ 465, 468, 471, 420, 34 OF IPC, REGISTERED BY THE RESPONDENT NO.1 I.E., SUBRAMANYAPURA POLICE STATION, BENGALURU.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 13.10.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings against the petitioners/accused Nos.8 and 9 in C.C.No.7111/2023 (arising out of Crime No.24/2020 registered by Subramanyapura Police Station) for the offences punishable under Sections 465, 468, 471, 420, r/w 34 of IPC, presently pending on the file of the XXX Additional Chief Metropolitan Magistrate at Bengaluru.

2. The factual matrix of the case is that respondent No.2-complainant lodged a complaint before respondent No.1-police alleging that, she had purchased two acres of land in Sy.Nos.1/1A and 1/1B (old Survey No.1/1) and 32 guntas in Sy.No.1/1A of Arehalli Village, Uttarahalli Hobli, Bengaluru South Taluk, under registered Sale Deeds dated 29.07.1969 and 02.02.1970. She subsequently sold 1 acre of land to Byrappa on 18.08.1977. The remaining 1 acre and 32 guntas were acquired by the Land Acquisition Authorities and handed over to Amarajyothi House Building Society Limited. The Hon'ble Supreme Court, by order dated 21.02.1995, held that possession had not been taken in accordance with law and directed restoration of the lands to the farmers. However,

owing to her ill health and reliance on her husband to manage her affairs, respondent No.2 was unaware of the said order.

3. About a year before lodging the complaint, respondent No.2 came to know that apartments were being constructed on the property. On enquiry, she allegedly discovered that one Revamma and her children, in collusion with builder V. Narayanaswamy, N. Basavaraju, Palappan and others, had forged her signature and created a fabricated GPA dated 06.07.1995 in favour of Revamma. On the strength of the alleged forged documents, Revamma purportedly executed a Gift Deed dated 15.05.2004 in favour of her children and subsequently executed Sale Deeds in favour of them and others in January 2017. It is further alleged that portions of the property were sold to various persons and a Joint Development Agreement dated 24.01.2018 was executed with S.L.V. Builders, represented by Jyothi Naidu K. and Bhanumathi. Apartments and houses have since been constructed, and sites have been formed and sold. Hence, alleging forgery, creation of fabricated documents and cheating, respondent No.2 has lodged the complaint against the petitioners and others.

4. On the basis of the said complaint, respondent No.1 registered Crime No.24/2020 against the petitioners and others for the offences punishable under Sections 465, 468, 471 and 420 read with Section 34 of IPC. Upon investigation, the police filed a charge sheet against the petitioners and other accused for the aforementioned offences, dropping accused Nos.7 and 10 and arraying the petitioners as accused Nos.8 and 9. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners have preferred this petition.

5. Heard the learned counsel for the respective parties.

6. Apart from urging several contentions, learned counsel for the petitioners primarily contended that the petitioners, being accused Nos.8 and 9, are in no way connected with the alleged fabrication of the GPA dated 06.07.1995 by accused No.1 in respect of the property belonging to respondent No.2. He submitted that accused No.1 subsequently executed a registered Gift Deed dated 15.05.2004 in favour of her children, namely, accused Nos.3, 4 and 6, and Rathnamma, followed by registered Sale Deeds dated

23.01.2017. Thereafter, accused Nos.2 to 6 entered into a Joint Development Agreement with the petitioners on 24.01.2018, pursuant to which the petitioners constructed apartments and sold the flats to various purchasers.

7. Learned counsel further contended that the petitioners, being developers, had no knowledge of the alleged fabrication and entered into the Joint Development Agreement after verifying the title deeds, khatha and other revenue records, which disclosed a clear title to the property. He submitted that the private complaint was lodged after a lapse of nearly 25 years to give a criminal colour to the civil dispute pending in O.S.No.3747/2020 instituted by respondent No.2 against the petitioners and others. He contended that even if the charge-sheet allegations are accepted at face value, no offences are made out against the petitioners. Accordingly, he prayed to allow the petition.

8. *Per contra,* learned Senior Counsel for respondent No.2 vehemently contended that the petitioners, being developers, entered into the Joint Development Agreement without properly verifying the title deeds, including the alleged fabricated GPA created by accused No.1 on 06.07.1995. He

submitted that the subject property was conveyed to accused Nos.2 to 6 on the strength of the alleged forged GPA, pursuant to which they entered into a Joint Development Agreement with the petitioners. Therefore, the petitioners are equally responsible for the alleged acts committed by accused Nos.1 to 6. He further submitted that the petitioners constructed the apartments and sold the flats, while a civil suit in O.S.No.3747/2020 is pending against accused Nos.1 to 6 and the petitioners. He also contended that a Co-ordinate Bench of this Court, by a detailed order dated 15.04.2021 dismissed Crl.P.No.5555/2020 filed by accused Nos.1 and 6 under Section 482 of Cr.P.C. Accordingly, he submits that the proceedings against the petitioners, being accused Nos.8 and 9, cannot be quashed and sought dismissal of the petition.

9. Learned High Court Government Pleader for respondent No.1-State opposed the prayer of the petitioners, contending that, upon completion of investigation, respondent No.1-police have laid the charge sheet and the statements of the material witnesses disclose the involvement of the petitioners in the alleged offences. Accordingly, he prays for dismissal of the petition.

10. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and to the entire documents available on record.

11. As could be gathered from records, it is the specific case of respondent No.2 that she is the absolute owner of land measuring two acres of land in Survey Nos.1/1A and 1/1B (old Survey No.1/1) and 32 guntas in Survey No.1/1A of Arehalli Village, Uttarahalli Hobli, Bengaluru South Taluk. It is alleged that accused No.1 fabricated a GPA dated 06.07.1995 by forging the signature of respondent No.2 and, on the strength of the same, executed a Gift Deed dated 15.05.2004 in favour of accused Nos.3, 4, 6 and one Rathnamma, who are the children of accused No.1. Subsequently, the Gift Deed was cancelled, and accused No.1 executed registered Sale Deeds in favour of accused Nos.2 to 6 in January 2017. Thereafter, accused Nos.2 to 6 entered into a Joint Development Agreement with the petitioners on 24.01.2018, pursuant to which the petitioners developed the property and sold the flats to subsequent purchasers.

12. In this regard, respondent No.2 instituted O.S.No.3747/2020 before the City Civil and Sessions Court,

Bengaluru, seeking a declaration in respect of the subject property. During the pendency of the said suit, respondent No.2 also lodged the present complaint against accused Nos.1 to 6 and the petitioners. However, on perusal of the complaint and charge-sheet materials, except omnibus allegations that the petitioners in collusion with the other accused, cheated respondent No.2, no specific allegations are forthcoming regarding their individual role in the alleged fabrication of the aforesaid GPA or commission of the offences.

13. Admittedly, the petitioners entered into Joint Development Agreement on 24.01.2018, relying upon the title deeds executed in favour of accused Nos.2 to 6 in 2017. The petitioners thereafter constructed the apartments and sold the flats. There is no specific allegation indicating their involvement in the alleged fabrication of the GPA dated 06.07.1995. The complaint was lodged nearly 25 years after the alleged fabrication, and the materials on record do not disclose any specific overt act attributable to the petitioners. Further, a civil dispute in respect of the subject property is pending between the parties. In these circumstances, the allegations against the petitioners, in the absence of specific material demonstrating

their involvement in the alleged offences, appear to arise out of the existing civil dispute**.**

14. The contention of the learned Senior Counsel that the petitioners cannot maintain the present petition since the criminal petition filed by accused Nos.1 and 6 was dismissed by a Co-ordinate Bench of this Court vide order dated 15.04.2021 cannot be accepted for the simple reason that, the role attributed to the present petitioners is entirely different from that of accused Nos.1 to 6. Further, *Prima facie*, there is no material to indicate that the petitioners had knowledge of or shared the intention to commit the alleged offences of cheating and forgery, or that they had actively participated in the same. Their role is confined to developing the property under a Joint Development Agreement executed nearly 25 years after the alleged fabrication of the GPA by accused No.1.

15. The Hon'ble Apex Court in the case of ***BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT*** in ***SLP (Crl) No.15537/2023*** dated 22.05.2026, held in paragraph Nos.52 to 54 as under:

> *"52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of*

a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.

53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,12 namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

16. Collocating the above findings of the Hon'ble Apex Court in the above judgment to the facts and circumstances of

this case, I am of the considered view that the continuation of the proceedings against the petitioners-accused Nos.8 and 9 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

O R D E R

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

ii. The proceedings against the petitioners/accused Nos.8 and 9 in C.C No.7111/2023 (arising out of Crime No. 24/2020 registered by Subramanyapura Police Station) for the offences punishable under Sections 465, 468, 471, 420, r/w 34 of IPC, presently pending on the file of the XXX Additional Chief Metropolitan Magistrate at Bengaluru, is hereby quashed.

iii. It is made clear that the observations made in this petition shall not come in the way while disposing the case before the Trial Court and in the civil proceedings.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K