HC-KAR
NC: 2026:KHC:60075
CRL.P No. 8323 of 2026
CNR: KAHC010395172026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 8323 OF 2026

BETWEEN:

SRI RAMESH D V
S/O VENKATASWAMY,
AGED ABOUT 41 YEARS,
R/AT. DODDANAYAKANAHALLI,
Y. MALLAPURA POST,
YAGATI HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT-577140.

…PETITIONER

(BY SRI. HARISH KUMAR M C., ADVOCATE)

AND:

1. STATE BY KADUR POLICE
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA,
   BANGALORE-560 001

2. S.C. BASAVARAJU,
   S/O. LATE CHANNALINGAPPA,
   AGED ABOUT 83 YEARS,
   NO.890, DR. M.C. MODI HOSPITAL ROAD,
   MAHALAKSHMIPURAM POST,
   BANGALORE-560 086

…RESPONDENTS

(BY SRI. NAGHARISH G S., HCGP FOR R1;

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SRI. AMIT ANAND DESHPANDE.,ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO QUASH THE CHARGE SHEET FILED IN C.C.NO.435/2026 REGISTERED FOR THE OFFENCES P/U/S 420, 465, 468 AND 471 OF IPC AGAINST THE PETITIONER BY THE 1ST RESPONDENT KADUR POLICE IN CRIME NO.288/2023 AND ALL FURTHER PROCEEDINGS THEREON, PENDING ON THE FILE OF THE PRL. CIVIL JUDGE AND JMFC AT KADUR.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner, learned High Court Government Pleader for the first respondent-State and the learned counsel for the second respondent.

2. This petition is filed to quash the proceedings in C.C. No.435/2026 registered for the offences punishable under Sections 120B, 420, 465, 468, 471 of Indian Penal Code, 1860 (IPC). The FIR is registered before the Kadur Police in Crime No.288/2023. The matter is pending before the JMFC, Kadur.

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3. The learned counsel appearing for the petitioner would submit that the second respondent executed a registered sale deed in favour of the petitioner on 31.03.2021. The suit is filed by the family members of the complainant in respect of the said properties and other properties and the same is pending in O.S. No.199/2023.

4. It is the contention that the charge sheet is filed primarily on the basis of the report of the forensic expert who has opined that the signature on the loan application filed by respondent No.2 and the signature on the sale deed signed by the respondent No.2 are forged.

5. Learned counsel for the petitioner referring to the contents of the complaint would urge that in the complaint the complainant/second respondent has stated that on 31.03.2021 the complainant has not gone to the office of the Sub-Registrar and that the complainant's signature as well as the thumb impression are forged. The forensic expert's report would indicate that the thumb impression is that of the respondent No.2-complainant, as such, there cannot be

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any allegation of forgery. Thus, he would contend that the charge sheet has to be quashed.

6. Learned HCGP would submit that the forensic expert's opinion would clearly demonstrate that the signature on the loan application and the signature on the sale deed do not match with the admitted signature and merely because the thumb impression is matching with the admitted thumb impression of the respondent No.2 is not a ground to quash the proceedings as there is a possibility of the thumb impression on the document dated 25.03.2021 being used to get the sale deed registered.

7. Learned counsel for respondent No.2 would submit that the respondent No.2 is 92 years old and the petitioner is the caretaker of respondent No.2 and on the pretext of getting the loan sanctioned respondent No.2 was taken to the office of the Sub-Registrar on 25.03.2021 and on that day, the mortgage deed was registered. Later on 31.03.2025 using the thumb impression of respondent No.2

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that is affixed while getting the mortgage deed registered, sale deed is executed.

8. It is the further submission that as per the recital in the sale deed the entire amount is said to have been paid in cash on the date of registration. However, in the written statement the defendant/petitioner has taken a stand that the consideration amount was paid prior to the sale deed.

9. It is the further submission that the signature on the mortgage deed is forged. The loan application is forged and the signature on the sale deed is also forged. This is the opinion of the expert and at this juncture the expert's opinion cannot be brushed aside in a proceeding under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 (BNSS), is the submission.

10. The Court has considered the contentions raised at the Bar and perused the records.

11. *Prima facie* there are two documents allegedly executed by the second respondent. The first document is

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dated 25.03.2021, which is said to be the mortgage deed. The second document is said to be the sale deed dated 31.03.2021. The handwriting expert has opined that the signature on the mortgage deed and the signature on the sale deed and the signature on the loan application are forged. It is the submission of the respondents that the thumb impression given on 25.03.2023 on the mortgage deed was copied and affixed and pasted in the sale deed. That being the position, the Court is of the view that the matter requires trial to appreciate the contentions raised by the parties.

12. Learned counsel for the petitioner would submit that the Sub-Registrar is not made a party though there is an allegation against the Sub-Registrar in the complaint.

13. The Court is of the view that this cannot be a ground to quash the proceedings. In case, during the course of trial, the Court finds that the Sub-Registrar is also involved and there are materials against the Sub-Registrar,

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the Court may proceed against the Sub-Registrar in accordance with law.

14. Hence, the petition is ***dismissed***.

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 1