HC-KAR
NC: 2026:KHC:59594
CRL.P No. 8076 of 2024
CNR: KAHC010414992024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 8076 OF 2024

BETWEEN:

1. SRI MAYI GOWDA @ UMMEGOWDA
   S/O LATE MAYI GOWDA.
   AGED ABOUT 72 YEARS.

2. SMT, CHIKKAMANNI @
   CHIKKAMANIYAMMA
   W/O KULLEGOWDA,
   AGED ABOUT 70 YEARS.

3. SRI. BASAVEGOWDA
   S/O LATE. MAYIGOWDA
   AGED ABOUT 74 YEARS.

4. SRI. RAMAKRISHNEGOWDA
   S/O LATE. MAYIGOWDA
   AGED ABOUT 69 YEARS.

5. SRI. MAHADEVU
   S/O LATE. MAYIGOWDA
   AGED ABOUT 59 YEARS.

   PETITIONER NO.1 TO 5
   ARE ALL R/AT BANASAMUDRA VILLAGE,
   MALAVALLI TALUK,
   MANDYA DISTRICT-571401.

6. SRI. RAVIKUMARA M.P
   S/O M.H PUTTAMADAIAH

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AGED ABOUT 49 YEARS,
REVENUE INSPECTOR.
REVENUE OFFICE KASABA-2 CIRCLE,
MALAVALLI TALUK.
MANDYA DISTRICT-571 401.

7. SRI. RAVISH M
S/O MAKEGOWDA
AGED ABOUT 27 YEARS,
VILLAGE ACCOUNTANT,
BANASUMUDRA CIRCLE,
MALAVALLI TALUK,
MANDYA DISTRICT-571 401

…PETITIONERS

(BY SRI. RAJA L, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
MALAVALLI TOWN POLICE STATION,
MALAVALLI SUB DIVISION,
MALAVALLI TALUK
MANDYA DISTRICT -571401
REPRESENTED BY S.P.P
HIGH COURT OF KARNATAKA,
BENGALURU-560 001

2. M. CHIKKAMAYAPPA
AGED ABOUT 64 YEARS,
S/O LATE. MAYIGOWDA
R/AT BANASAMUDRA VILLAGE,
MALAVALLI TALUK, KASABA HOBLI,
MANDYA DISTRICT-571 401

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. VINOD S, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASHING THE FIR IN CR.NO.39/2024 MALAVALLI TOWN P.S., PENDING ON THE FILE OF ADDITIONAL CIVIL JUDGE (SR.DN)

AND CJM COURT, AT MALAVALLI, MANDYA DISTRICT, ON THE OFFENCE P/U/S 417, 420, 465, 468, 471,149 OF IPC, DATED 05.05.2024.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This criminal petition is filed under Section 482 of Cr.P.C. seeking to quash the FIR registered against the petitioners/accused Nos.1 to 7 in Crime No.39/2024 by the 1st respondent - Police for the offences punishable under Sections 417, 420, 465, 468, 471 and 149 of IPC pending on the file of the learned Addl. Civil Judge (Sr.Dn.) & CJM, Malavalli, Mandya District.

2. The factual matrix of the case is that, respondent No.2 lodged a complaint before the 1st respondent - police on 05.05.2024 alleging that petitioners - accused Nos.1 to 5 created a fake genealogical tree and submitted an affidavit stating that they are the legal representatives of one Mayi Gowda and based on the same, they got the mutation effected in their name in respect of land bearing Sy.No.40/1 measuring

2 acres 23 guntas situated at Konapura, Kasaba Hobli. On the strength of said complaint, FIR came to be registered against the petitioners for the aforesaid offences in Crime No.39/2024. Being aggrieved by the said registration of FIR, the petitioners are before this Court.

3. Heard learned counsel for the petitioners and the learned High Court Government Pleader for respondent-State as well as learned counsel for respondent No.2.

4. Apart from urging several contentions, the learned counsel for the petitioners primarily contended that in respect of similar cause of action earlier on 06.04.2024 a complaint was lodged by respondent No.2 in Halagur Police Station, Malavalli Taluk, which has been endorsed by the police stating that since it is a civil dispute, the parties may approach the appropriate Court for redressal of their grievance. As such, after lapse of one month, the present complaint came to be lodged by respondent No.2 before the 1st respondent - police. He further contended that the petitioners being the legal heirs of Mayi Gowda filed an affidavit and submitted the genealogy tree. No forgery as alleged by respondent No.2 has been

committed by the petitioners. As such, registration of FIR against the petitioners is nothing but abuse of process of Court. Accordingly, he prays to allow the petition.

5. *Per contra,* learned counsel for respondent No.2 as well as learned High Court Government Pleader contended that based on the complaint lodged by the complainant, the FIR came to be registered in Crime No.39/2024. Further, since the investigation is at nascent stage and since there is serious allegation of forgery against the petitioners, at this stage, the FIR cannot be quashed. Accordingly, he prays to dismiss the petition.

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

7. As could be gathered from records, in the complaint it is stated that the name of the petitioners' father is Mayi Gowda and the name of father of respondent No.2 is also Mayi Gowda. As such, taking advantage of same, petitioners misrepresented and filed false affidavit stating that they are the

legal representatives of Mayi Gowda i.e., the father of respondent No.2 and accordingly, got the mutation effected in their name. In such circumstances, when there is serious allegation forthcoming in the complaint, it has to be investigated by the police. The evidence has to be gathered after a thorough investigation and if the allegations are bereft of truth, the investigation will reveal the same. At this stage, when there are only allegations and recriminations but no evidence, this Court cannot anticipate the result of the investigation and render a findings on the question of forgery on the materials available at present. The complaint containing serious allegations have to be tested and weighed after the evidence is collected as held in the case of ***State of Haryana and Others vs. Bajan Lal and Others - 1992 SCC (Crl.) 426***. As such, at this stage, the FIR cannot be quashed.

Accordingly, petition lacks merit and same is ***dismissed***.

SD/-
(RAJESH RAI K)
JUDGE

PKS/List No.: 1 Sl No.: 32