HC-KAR
NC: 2026:KHC:62012
CRL.P No. 11185 of 2025
CNR: KAHC010499352025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 11185 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

MANJUNATH A
S/O. H.T.ANJINAPPA,
AGED ABOUT 48 YEARS,
R/AT. 169, NEAR MILK DAIRY
ANJINAYA TEMPLE DODDAHULLUR,
DODDAHULLUR JODISANDRAHALLI,
HOSAKOTE BANGALORE RURAL,
KARNATAKA 562114

...PETITIONER

(BY SMT. AISHWARYA S.M., ADVOCATE FOR
SRI. MAHESHA P.,ADVOCATE)

AND:

STATE OF KARNATAKA BY
HOSKOTE POLICE STATION,
BENGALURU RURAL
RESPONDENT IS REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001

...RESPONDENT

(BY SRI. RANJITH KUMAR N., HCGP)

THIS CRIMINAL PETITION IS U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO ALLOW THE INSTANT PETITION BY QUASHING THE CHARGE SHEET (ANNEXURE-C) IN C.C.NO.3970/2022 (ARISING OUT OF CR.NO.255/2021) FOR THE OFFENCE P/U/S 192(A) OF KLR

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ACT AND SEC.447 OF IPC PENDING ON THE FILE OF THE CIVIL JUDGE AND J.M.F.C HOSKOTE.

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 petitioner is before this Court seeking for the following reliefs;

> *a. Allow the instant petition by quashing the charge sheet (Annexure-C) in C.C.No.3970/2022 (arising out of Cr.No.255/2021) for the offence p/u/s 192(a) of KLR act and sec.447 of IPC pending on the file of the Civil Judge and J.M.F.C Hoskote*.

2. The grievance of the petitioner is that, without a preliminary enquiry, the Tahsildar had submitted a complaint on 30.7.2021 in furtherance of which FIR in Crime No.255/2021 was registered by the Hoskote Police Station for offences under Section 192A of the Karnataka Land Revenue Act, 1964 and Section 447 of the IPC.

3. Investigation having been completed, a charge sheet also had been laid for the said offences on 13.01.2022. It is challenging the same the petitioner is before this Court.

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4. The submission of Ms.Aishwarya S.M., learned counsel for the petitioner is that the procedure laid down in Para 4 of the ***Smt.Lalitha Sastry vs. State of Karnataka and others*** [ILR 2008 KAR 4520] has not been followed by the Tahsildar before initiating action against the petitioner as is clear from the records. Para 4 of the said judgment is reproduced hereunder for easy reference:-

> *"**4.** From the aforesaid circular it is clear the Government is now convinced that an opportunity should be given to all those alleged encroachers of Government land before any proceedings are initiated under Section 192A of the Act. In fact it stipulates a procedure under which a show cause notice is to be given calling upon those alleged encroachers to file their objections within 15 days. If no objections are received authorities are called upon to visit the spot, conduct a Mahazar in the presence of the villagers, obtain their signatures and thereafter to initiate criminal proceedings if they are satisfied that there is encroachment. In the event of alleged encroachers producing documents to examine the same and only in the event of the said documents are found to be fabricated or duplicate, to initiate proceedings under Section 192A of the Act. In fact the said procedure contemplated by the Government satisfy the requirement of principles of natural justice, an opportunity is given to these persons to realise whether they have occupied a Government land and if they are convinced to surrender possession to avoid criminal prosecution. That would meet the ends of justice. In that view of the matter, as the criminal prosecution is launched against all these petitioners without affording an opportunity to have their say and in the light of the circular which is passed by the Government, these proceedings cannot be sustained."*

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5. In that view of the matter, this Court passes the following:

ORDER

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

ii) The charge sheet vide Annexure-C in C.C.No.3970/2022 (arising out of Crime No.255/2021) for the offences under Section 192A of the Karnataka Land Revenue Act, 1964 and Section 447 of the IPC pending on the file of Civil Judge and JMFC., Hoskote are quashed.

iii) Liberty is reserved to the respondent no.2-Tahsildar to act in terms of the direction issued in **Lalita Shastri** and initiate fresh proceedings against the petitioner.

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(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 32