IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.7962 OF 2019

BETWEEN:

1. SRI. V.G.P. BABUDAS
   S/O SRI. V.G. PANNEERDAS
   AGED ABOUT 53 YEARS

2. SRI. V.G.P. RAVIDAS
   S/O SRI. V.G. PANNEERDAS
   AGED ABOUT 55 YEARS

3. SRI. V.G. RAJADAS
   S/O SRI. V.G. PANNEERDAS
   AGED ABOUT 54 YEARS

   PETITIONERS 1 TO 3 ARE
   RESIDENTS OF THE PREMISES
   BEARING NO.52, HOSPITAL ROAD
   SAIDAPET, CHENNAI-600015
   TAMIL NADU

...PETITIONERS

(BY SRI. VIKRAM HULIGOL, SR. ADVOCATE FOR
SRI. SUSHAL TIWARI N., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY THE STATION HOUSE OFFICER
   KAGGALIPURA POLICE STATION
   HAROHALLI CIRCLE
   RAMANAGAR DISTRICT
   REPRESENTED BY SPP
   HIGH COURT BUILDING
   BENGALURU-560001

2. SRI. V.G. VINODHRAJ
S/O SRI. V.G. SELVARAJ
AGED ABOUT 38 YEARS
RESIDING AT NO.52
HOSPITAL ROAD, SAIDAPET
CHENNAI-600015
TAMIL NADU

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. SHREE SHING, ADVOCATE FOR
SRI. HARSHA S., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.240/2019 REGISTERED AT KAGGALIPURA POLICE STATION, HAROHALLI CIRCLE, RAMANAGAR DISTRICT, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120B, 406, 465, 467, 468, 420 AND 471 OF IPC, PENDING ON THE FILE OF II ADDL.C.J.M., BENGALURU RURAL DISTRICT, BENGALURU AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 29.10.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

This petition is filed praying this Court to quash the FIR in Cr.No.240/2019 registered at Kaggalipura Police Station, Harohalli Circle, Ramanagar District for the offences under Sections 120B, 406, 465, 467, 468, 420 and 471 of IPC against the petitioners.

2. Heard the learned counsel appearing for the respective parties.

3. The factual matrix of case of the complainant that in connection with the property belongs to the family of the complainant, his father had executed a power of attorney on 17.07.1996. At that time, the complainant was minor and he attained the majority on 31.01.1999. With an intention to defeat the right of the complainant from 15.09.2004 to 15.05.2019, accused persons, in conspiracy, the property belongs to the complainant portion in Sy.No.131/5 to the extent of 15.04 guntas, executed the sale deed in favour of Raut Amol @ Amol Raut on 01.09.2014 and also on 13.11.2015, executed another sale deed in favour of Smt. Bhagyamma in Sy.No.131/6 to the extent of 28.3/4 guntas and sold the said extent. The complainant had cancelled the GPA on 12.02.2019 itself. Inspite of no confirmation deed is executed, the documents were created on 15.05.2019 and so also the partition deed and falsely got it registered the same creating the documents. Hence, complaint is lodged. Based on the complaint, the case is registered.

4. The counsel for the petitioners in his arguments would vehemently contend that the very initiation of case is nothing but a false implication and dispute is purely civil in nature. The execution of the general power of attorney by the second respondent through his father not in dispute and the general power of attorney so executed authorizing the first petitioner to sell the land which came to be allotted to the share of the second respondent and the first petitioner, in exercise of the rights secured by him under the said general power of attorney, sold a portion of the land, by no stretch of imagination could it be said that conduct of the petitioners would construct the commission of an offence. That apart, in the partition deed that has been referred to by the second respondent in his complaint, the second respondent has been given the share, for which, he has become entitled to and the second respondent has, therefore, could not have raised any grievance and in connection with the said partition deed, to which document, the first petitioner has subscribed his signature as the general power of attorney holder of the second respondent, who in fact, had no knowledge of the cancellation of the general power of attorney said to have been done by the second respondent.

5. The counsel also vehemently contend that the second respondent has clothed his civil grievance with a criminal dress with a malafide intention to drag the petitioners before this Court in a criminal prosecution. The counsel for the petitioners during the course of his arguments brought to notice of this Court that one more complaint was lodged and the same is registered in Crime No.461/2020 with Banaswadi Police. The present complaint is in respect of Kaggalipura Police and list of dates and events also given along with the comparative statement. The counsel would vehemently contend that this case is purely civil in nature. No dispute that proper power of attorney was executed on behalf of the complainant in favour of petitioner No.1 on 17.07.1996 and the complainant had attained majority on 31.01.1999 and also he had executed a confirmation deed on 15.09.2004. Though he denies, but admits before the Banaswadi Police the signature on the deed belongs to him. Hence, it is clear that there is a confirmation deed.

6. The counsel also would contend that respondent No.2 claims to have first learnt about the sale transaction on 09.01.2019 but allegation is that, has not rendered proper accounts. Partition deed is executed between petitioner No.1

and respondent No.2 represented by his GPA holder wherein Sy.No.131/5 (6 acres 6 guntas) and the Austin Town property were allotted to petitioner No.1 and in lieu, respondent No.2 is allotted half of the 1/3rd undivided share in the Injambakkam and Saidapet (Chennai) properties, which is shown clearly in schedule-F and further two other properties and the same is also the subject matter of FIR in Cr.No.461/2020.

7. The counsel would contend that the alleged notice of the deed of cancellation sent to petitioner No.1 by post for the first time on 29.05.2019. But in the meanwhile already there was a partition deed dated 15.05.2019 and this petitioner was not having any knowledge about cancellation of the same. The letter itself admits the family partition dated 27.01.1994 and 15 guntas out of his 7 acres 10 guntas had been alienated. The respondent No.2 and his brother instituted a C.P.No.393/2019 before the NCLT, Chennai and there are two cases are initiated. The counsel would contend that there cannot be a two FIRs and criminal cases in respect of the same allegations. The counsel also contend that in subsequent complaint is concerned, B-report was filed and the same was resisted by filing a protest memo and the same is accepted and taken the cognizance. Subsequently, an application is filed

under Section 216 for modification of the charges and the same is also allowed and the offences under Section 465, 467, 468 and 471 were also invoked.

8. The counsel would vehemently contend that there cannot be two prosecution against the petitioners on the same allegation. In support of his arguments, he relies upon judgment of the Apex Court reported in **(2001) 6 SCC 181** in the case of **T T ANTONY vs STATE OF KERALA AND OTHERS** and brought to notice of this court that once FIR was registered and if any subsequent complaint also, the same will be covered by Section 162 - officers in charge of the police station has to investigate not merely the cognizable offence but also other connected offence and powers are vest with the I.O to file a further report under Section 173.

9. The counsel also relies upon the judgment of the Apex Court reported in **(2010) 12 SCC 254** in the case of **BABUBHAI vs STATE OF GUJARAT AND OTHERS** wherein also Apex Court held that if two FIRs in respect of the same transaction subsequent to registration of FIR, any further complaint in connection with the same or connected offence relating to the same incident or incidents which are parts of the

same transaction are reiterated, not permissible. But if two FIRs pertain to two different incidents/crimes, second FIR is permissible.

10. The counsel also relies upon the judgment of the Apex Court reported in **2025 SCC ONLINE SC 2776** in the case of **RANIMOL AND OTHERS vs STATE OF KERALA AND ANOTHER** and brought to notice of this Court paragraphs 11 to 14 wherein the Apex Court discussed with regard to exercising of the powers under Section 482 of Cr.P.C in case of first information report are also arrayed in the second complaint, would not make the complaint maintainable.

11. The learned counsel for the petitioners referring these judgments prays this Court to quash the proceedings initiated against the petitioners.

12. Per contra, the counsel appearing for respondent No.2 in his arguments would vehemently contend that in both the complaints, there are different accusations. In the subsequent complaint, an allegation of misappropriation was alleged. Thus, it cannot be contend that both the complaints cannot be entertained. The counsel would contend that the offences invoked in the present complaint is under Sections

120B, 406, 465, 467, 468, 420 and 471 of IPC. The specific accusations are made in the said complaint that though the power of attorney was cancelled on 12.02.2019, partition deed was executed on 15.05.2019 subsequently relying upon the earlier confirmation deed dated 15.09.2004. Thus, petitioner No.1 has executed a fictitious partition deed dated 15.05.2019 and fraudulently transferred his lands. Thus, fraudulent conduct of petitioner No.1 is to be investigated. Hence, question of quashing of FIR does not arise and interference of this Court also does not arise.

13. The counsel also would contend that the complainant having come to know about the fraudulent conduct of petitioner No.1 in alienating his lands to accused Nos.3 and 4, in order to prevent petitioner No.1 from further alienation of the land, cancelled the GPA on 12.02.2019 and subsequent to the cancellation of GPA, on 12.06.2019, respondent No.2 filed the deed of cancellation before the Sub-Registrar. Respondent No.2 was given to understand that the cancellation of the GPA by respondent No.2 was recorded by the concerned Sub-Registrar. Hence, petitioner No.1 could not have registered the partition deed dated 15.05.2019 based on the power of attorney which was cancelled on 12.02.2019. The copy of the

letter dated 12.06.209 and the extract of the website are produced herewith as Annexure-R1 and R2. It is contended that though the partition deed is dated 15.05.2019, the same was actually executed on 19.09.2019 and copy of the partition deed dated 19.09.2019 is produced herewith as Annexure-R3 and it is nothing but an antedated partition deed as 15.05.2019 and this document has been intentionally suppressed by the petitioners. The counsel would vehemently contend that both the complaints are different and distinct and there cannot be any quashment.

14. The counsel appearing for the State in his arguments would vehemently contend that no doubt, there are two complaints between the same parties. The counsel vehemently contend that there is a partition deed and the same was illegally created. When the specific allegations are made, investigation has to be taken place. The dispute is also with regard to the execution of partition deed as contended by the counsel appearing for the complainant that the same was executed in the month of September 2019 which is subsequent to the cancellation of the GPA.

15. Having heard the learned counsel appearing for the respective parties and also on perusal of the material available

on record and considering the principles laid down in the judgments referred supra, the points that would arise for the consideration of this petition are:

1. Whether the petitioners have made out the grounds to quash the proceedings initiated against them for the offences as alleged in the crime invoking Section 482 of Cr.P.C?
2. What order?

Point No.1:

16. Having heard the learned counsel appearing for the respective parties and also on perusal of the material available on record, it discloses that during the course of the arguments regarding registration of subsequent crime in Cr.No.461/2020 it is contend that at the time of filing of the present petition, the subsequent crime No.461/2020 was not in existence. But counsel for the petitioners mainly relies upon both the complaints and contend that the allegations made in the said complaints are similar. It is not in dispute that subsequent complaint was registered for the offences under Section 406, 420 and 120B read with Section 34 of IPC. It is also not in dispute that the police have investigated the matter and filed

B-report in the said complaint and subsequently, protest memo was filed and B-report was rejected and Trial Court has taken the cognizance only for the offence under Section 406 of IPC and not in respect of other offences. It is also to be noted that the counsel brought to the notice of this court that an application was filed for alteration of charge and the same is also entertained by the Trial Court for invoking the other offences.

17. Having considered the materials available on record, it discloses that the present petition is arised out of Cr.No.240/2019 and other complaint is in Cr.No.461/2020 and the same are filed in different police stations i.e., one at Kaggalipura Police Station at the first instance and subsequent complaint is filed at Banaswadi Police Station. In both the cases, complainant is the same. In the first complaint, there are 5 accused persons. In the second complaint, there are only 3 accused persons. The offences in the first complaint are under Sections 120B, 406, 465, 467, 468, 420 and 471 of IPC and in the subsequent complaint, the offences under Sections 406, 420 and 120B read with Section 34 of IPC. The Court has to take note that in both the cases, some of the same offences were invoked. In the first complaint offences under Sections

465, 467, 468 were also invoked. It is also to be noted that when B-report was filed, the same was challenged and in respect of the second complaint, offence of Section 406 was invoked and subsequently, other offences were also invoked by altering the charge. The issue in both the complaint is in respect of Sy.No.131/5 and 131/6 and so also, the common documents are disputed i.e., General Power of Attorney dated 17.07.1996 and also the confirmation deed. Though, the complainant disputed the confirmation deed, but during the course of investigation, admitted the execution of confirmation deed. The dispute in the present case is with regard to execution of partition deed dated 15.05.2019. It is the case of the complainant that the power of attorney which was executed on 17.07.1996 was cancelled on 12.02.2019 itself. But subsequent to the same, partition deed dated 15.05.2019 came into existence. The counsel appearing for the respondent/ complainant would submits that though in the partition deed, it is mentioned as dated 15.05.2019, actually it was executed on 19.09.2019.

18. It has to be noted that the principles laid down in the judgments referred by the petitioners' counsel there is no dispute wherein it is held that there cannot be two FIRs and

investigation. But in the present case on hand, first complaint was filed in respect of different offences and subsequent complaint is only for limited offences of 406, 120B and 420. The taking of cognizance for the offence under Section 406 and subsequently adding of other offences is also subject to the confirmation of that order. Though there are two complainants for similar allegations based on the similar documents, the prayer sought in the present petition is only for quashment of FIR and complaint in question in the present petition is also earlier to the second complaint. When such being the case, this Court can direct the investigating officer to keep the investigation which was already made in second complaint to investigate the present petition and file the charge sheet. If such charge sheet is also filed in this case, both the cases have to be clubbed together in view of involvement of different offences and there cannot be any overlapping of similar offences since both complaints narrates with regard to the allegations in respect of particular documents of confirmation deed and the execution of power of attorney and so also cancellation of the power of attorney. In **T T Antony**'s case referred supra, the Apex Court says that if any other complaint is filed, it would be covered under Section 162 and ought to

have invoked Section 173(2) as well as Section 173(8). But in the second complaint, already B-Report was filed and the same was questioned and the Court has taken cognizance only for limited offences. In respect of the other offences is concerned, it requires investigation. But in the case on hand, in view of the stay granted by this Court in respect of Cr.No.240/2019, the IO could not investigate the matter and in the meanwhile, in respect of the other crime is concerned, investigation was conducted and B-report was filed and the same was questioned. In **BABUBHAI's** case referred supra, the Apex Court held that subsequent to the registration of an FIR, any further complaint in connection with the same or connected offence relating to the same incident or incidents which are part of the same transaction, two FIRs are not permissible, but if two FIRs pertaining to the different incidents, second FIR is permissible.

19. Having taken note of the situation in the case on hand, it discloses that earlier case was registered and the same was stayed and other complaint was filed in respect of the different offences and investigation was conducted and in view of the alteration made by the Trial Court in the charge invoking the other offences, the same also to be kept in mind by the

investigating officer and he has to investigate the matter with regard to the accusation. In both the complaints, offences are overlapped with each other, other than the offence of forgery and making use of forged document and the same has to be kept in mind by the IO during the course of investigation. If the investigating officer found that the petitioners have made out the offences apart from the offences which have been invoked in pursuance of the other complaint, petitioners can seek the remedy before the Trial Court to merge both the cases together since complainant being one and the same in both the complaints and have the remedy before the Trial Court. Hence, this Court answered the above point accordingly.

Point No.2:

20. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

SN