HC-KAR

NC: 2026:KHC:64035
CRL.P No. 10211 of 2024

CNR: KAHC010499972024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.10211 OF 2024

BETWEEN:

SRI. MAGESH BABU MUNIRAJAN
S/O. MUNIRAJAN,
AGED ABOUT 44 YEARS,
R/AT NO.202,
SNEHA ENCLAVE APARTMENT,
NO.318, 6TH MAIN,
A-BLOCK, RHCS LAYOUT,
ADJACENT TO D GROUP,
2ND STAGE, SRIGANDAKAVAL,
BENGALURU 560 091.

...PETITIONER

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
REP BY ANNAPOORNESHWARI
NAGARA POLICE STATION,
BENGALURU 560091
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE 560 001.

2. SRI. SYED ASIF ULLA
S/O. SYED ABIBULLA,
AGED ABOUT 43 YEARS,
R/AT NO.55, 4TH CROSS,
TELECOM LAYOUT,
K.P.AGRAHARA,
BENGALURU 560 023.

…RESPONDENTS

(BY SRI.MAHESH P., HCGP FOR R-1;
SRI.V.S.SHIVKUMAR, ADVOCATE FOR R-2 (ABSENT))

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CRIME NO.230/2024 (PCR NO.6213/2024) REGISTERED BY THE ANNAPOORNESHWARINAGAR POLICE STATION, FOR THE ALLEGED OFFENCE U/S 418, 419, 420 AND 506 OF IPC, PENDING ON THE FILE OF THE 46TH ACMM COURT AT BENGALURU, INITIATED ON THE PRIVATE COMPLAINT OF THE 2ND RESPONDENT.

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 petition is filed under Section 482 of Cr.P.C. to quash the FIR against the petitioner/accused in Crime No.230/2024 dated 27.05.2024 registered by Annapoorneshwari Nagar Police Station for the offences punishable under Sections 418, 419, 420 and 506 of IPC, on the file of XLVI Additional CMM Court, Bengaluru.

2. The brief facts of the case are that respondent No.2 filed a private complaint under Section 200 of Cr.P.C. against the petitioner in PCR No.6213/2024 before the IV Additional Chief Metropolitan Magistrate, Bengaluru, on 13.03.2024, alleging that the petitioner, with an intention to cheat the complainant and having full knowledge that he was not the owner of site No.4, Khata No.133/100P, 18/4, situated at Kogilu Village, Bengaluru North Taluk, Bengaluru, willfully and deliberately executed a sale deed in respect of the said property in favour of respondent No.2 on 18.11.2023, after receiving sale consideration of Rs.31,25,000/-. It is further alleged that,

subsequently, respondent No.2 came to know that a dispute relating to the ownership of the said property and the applicability of the PTCL Act was pending before the Assistant Commissioner, Bengaluru North Sub-Division. Thereafter, the learned Magistrate referred the private complaint to respondent No.1-Police under Section 156(3) of Cr.P.C. Accordingly, respondent No.1-Police registered a case against the petitioner in Crime No.230/2024 dated 27.05.2024 for the offences punishable under Sections 418, 419, 425 and 506 of IPC. Being aggrieved by the registration of the said FIR, the petitioner has preferred this petition seeking appropriate relief.

3. Heard the learned counsel for the parties.

4. The primary contention of the learned counsel for the petitioner is that the petitioner is the absolute owner of the property, having purchased the same from Hanumakka and Poojappa under a sale deed dated 26.10.2018, and subsequently sold the said property in favour of respondent No.2 under a sale deed dated 18.11.2023. It is contended that, subsequent to the execution of the sale deed in favour of respondent No.2, the said Poojappa, who is the petitioner's

vendor, instituted proceedings under the PTCL Act in respect of the property. In such circumstances, there is no element of cheating on the part of the petitioner so as to attract the alleged offences. He further contended that respondent No.2 had purchased site No.5, which is adjacent to the petitioner's property, from one Srinivasalu. Being the owner of the adjacent site, respondent No.2 was well aware of the nature and location of the property. Despite the same, a false complaint has been lodged against the petitioner without there being any act of cheating attributable to him. Accordingly, he prays to allow the petition.

5. There is no representation for respondent No.2.

6. The learned HCGP opposed the prayer contending that the investigation is still at a nascent stage and that serious allegations of cheating and impersonation have been made against the petitioner. It is contended that the petitioner, having full knowledge of the pending PTCL proceedings, sold the property in favour of respondent No.2 for a substantial consideration of Rs.31,25,000/- without disclosing the

pendency of the said proceedings. In such circumstances, the learned HCGP prays to dismissal the petition.

7. I have given my anxious consideration both on the submission and perused the materials available on record.

8. As could be gathered from the records, the averments of the complaint clearly disclose that the petitioner had purchased the property under an absolute sale deed dated 26.10.2018 from its original owners. Thereafter, he continued in possession and enjoyment of the property and, in the year 2023, sold the same in favour of respondent No.2, pursuant to an agreement of sale. Admittedly, the proceedings under the PTCL Act were instituted in the year 2023 by Poojappa, one of the vendors of the petitioner, and respondent No.2 was also a party to the said proceedings. The learned counsel for the petitioner has placed on record the proceedings in PTCL/YLK No.4/2023, instituted by Poojappa, which came to be dismissed. In such circumstances, the dispute between the petitioner and respondent No.2 appears to be purely civil in nature and in the said circumstance 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.*
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> *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.*
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> *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."*

9. However, in the instant case, on a careful perusal of the complaint averments and the documents placed on record by

the learned counsel for the petitioner, it cannot be conclusively said that, at the time of execution of the sale deed in favour of respondent No.2, the petitioner was aware of the institution of the proceedings under the PTCL Act. Even assuming that the petitioner had knowledge of the pendency of the said proceedings, respondent No.2 was also a party to those proceedings. As such, respondent No.2 cannot contend that the petitioner, without disclosing the pendency of the PTCL proceedings and without his knowledge thereof, executed the sale deed by deceiving him. In such circumstances, even if the entire allegations made in the complaint are taken at their face value, no offence punishable under Sections 418, 419, 420 or 506 of IPC is made out against the petitioner. Such being the position, it is evident that the complaint has been lodged out of vengeance, with an intention to give a criminal colour to a civil dispute. In such circumstances, the Hon'ble Apex Court, in ***Mahmood Ali v. State of U.P.***, reported in **(2023) 15 SCC 488**, at paragraph Nos.11 to 14, held as under:

> ***"11.*** *At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure*

(CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. *We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.*

13. *In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*

14.*State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)*

"5. … Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."

10. On collocating the above findings of the Hon'ble Apex Court to the fact and circumstances of this case. I am of the considered view that the continuation of the F.I.R. and proceedings arising there from would amounts to abuse of process of Court. Accordingly, I pass the following:

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ORDER

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

ii. The proceedings against the petitioner/accused in Crime No.230/2024 dated 27.05.2024 registered by Annapoorneshwari Nagar Police Station for the offences punishable under Sections 418, 419, 420 and 506 of IPC, on the file of XLVI Additional CMM Court, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 8