HC-KAR
CNR: KAHC010504342025

NC: 2026:KHC:63682
WP No. 23529 of 2025
C/W WP No. 23453 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO.23529 OF 2025 (GM-RES)
C/W
WRIT PETITION NO.23453 OF 2025 (GM-RES)

IN WP NO.23529/2025:

BETWEEN:

1. SRI. G. THIMMAIAH,
S/O LATE GURUSWAMAIAH,
AGED ABOUT 48 YEARS,
R/AT NO.89, OB CHUDAHALLI,
UDAYAPURA POST,
BENGALURU-560082.

...PETITIONER

(BY SRI. SWAROOP S., ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA,
BY TALAGHATTAPURA POLICE STATION,
BENGALURU-560109,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.

2. SRI. V.R. RAMESH,
S/O LATE RAMACHANDRA SASTRY,
AGED ABOUT 73 YEARS,
R/AT 16TH CROSS, 13TH MAIN,

MALLESHWARARAM,
BENGALURU-560055.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. H.M. MURALIDHAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE COMPLAINT IN PCR BEARING NO.457/2017 DATED 16.08.2017 (ANNEXURE-A) IN SO FOR AS PETITIONER CONCERNED, TO QUASH THE FIR DATED 30.09.2017 FILED IN CRIME NO.277/2017 FOR OFFENCES PUNISHABLE UNDER SECTIONS 409, 420, 441 AND 120B OF IPC (ANNEXURE-B) IN SO FOR AS PETITIONER CONCERNED, TO QUASH THE CHARGE SHEET IN CC NO.9532/2018 ON THE FILE OF II ADDL. CHIEF JUDICIAL MAGISTRATE, BANGALURU RURAL FOR THE OFFENCES PUNISHABLE UNDER SECTION 120B, 406, 418, 419, 420, 447, 466, 468,471, 474 R/W 34 OF IPC (ANNEXURE-C) IN SO FOR AS PETITIONER CONCERNED; AND TO QUASH THE ENTIRE PROCEEDINGS IN CC NO.9532/2018 ON THE FILE OF II ADDL. CHIEF JUDICIAL MAGISTRATE BENGALURU RURAL FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120B, 406, 418, 419, 420, 447, 466, 471, 474 R/W 34 OF IPC (ANNEXURE-D) IN SO FOR AS PETITIONER CONCERNED.

IN WP NO.23453/2025:

BETWEEN:

1. SRI. G. THIMMAIAH,
S/O GURUSWAMAIAH,
AGED ABOUT 39 YEARS,
RESIDING AT NO.89,
O.B. CHOODAHALLI, UDAYAPURA POST,
KANAKAPURA MAIN ROAD,
BANGALORE, KARNATAKA-560082.

...PETITIONER

(BY SRI. SWAROOP SRINIVAS, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY TALAGHATTAPURA POLICE STATION,
   BENGALURU-560019,
   REPRESENTED BY ITS
   STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BENGALURU-560001.

2. SRI. SHOBANA RAMESH,
   W/O V.R. RAMESH,
   AGED ABOUT 61 YEARS,
   RESIDING AT NO.31,
   13TH MAIN, 16TH CROSS,
   MALLESHWARAMA,
   BENGALURU-560055.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. H.M. MURALIDHAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE COMPLAINT IN PCR BEARING NO.455/2017 (ANNEXURE-A) IN SO FOR AS PETITIONER CONCERNED TO QUASH THE FIR DATED 30.09.2017 FILED IN CRIME NO.275/2017 FOR OFFENCES PUNISHABLE UNDER SECTIONS 409, 420, 441 AND 120B OF IPC (ANNEXURE-B) IN SO FOR AS PETITIONER CONCERNED, TO QUASH THE CHARGE SHEET IN CC NO.9533/2018 ON THE FILE OF II ADDL. CHIEF JUDICIAL MAGISTRATE, BANGALURU RURAL FOR THE OFFENCES PUNISHABLE UNDER SECTION 120B, 406, 418, 419, 420, 447, 466, 468, 417, 474 R/W 34 OF IPC (ANNEXURE-C) IN SO FOR AS PETITIONER CONCERNED, ANT TO QUASH THE ENTIRE PROCEEDINGS IN CC NO.9533/2018 ON THE FILE OF II ADDL. CHIEF JUDICIAL MAGISTRATE BENGALURU RURAL FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120B, 406, 418, 419, 420,447, 466, 471, 474 R/W 34 OF IPC (ANNEXURE-D) IN SO FOR AS PETITIONER CONCERNED.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

Heard the learned counsel for the petitioner, the learned Additional SPP appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. In both the petitions the petitioner is the same and the complainant is different, but similar set of facts is alleged in both the cases and hence, taken up for common consideration.

3. The petitioner in W.P.No.23529/2025 has prayed the following reliefs:

> *"I. Issue a writ in the nature of certiorari or any other appropriate writ, order or direction to quash the complaint in PCR bearing No.457/2017 dated 16.08.2017 qua the Petitioner (Annexure A) insofar as the petitioner is concerned.*
>
> *II. Issue a writ in the nature of certiorari or any other appropriate writ, order or direction to quash the FIR dated 30.09.2017 filed in Crime*

No.277/2017, for offences punishable under sections 409, 420, 441 and 120B of IPC qua the Petitioner (Annexure B) insofar as the petitioner is concerned.

III. *Issue a writ in the nature of certiorari to quash the charge sheet in CC No.9532/2018 on the file of II Addl. Chief Judicial Magistrate, Bengaluru Rural for the offences punishable under sections 120B, 406, 418, 419, 420, 447, 466, 468, 471, 474 R/w. 34 of IPC qua the Petitioner (Annexure C) insofar as the petitioner is concerned.*

IV. *Issue a writ in the nature of certiorari to quash the entire proceedings in CC No.9532/2018 on the file of II Addl. Chief Judicial Magistrate, Bengaluru Rural for the offences punishable under sections 120B, 406, 418, 419, 420, 447, 466, 468, 471, 474 R/w. 34 of IPC qua the Petitioner (Annexure D) insofar as the petitioner is concerned.*

V. *Grant such order as this Hon'ble Court deem fit in the interest of justice and equity."*

4. The petitioner in W.P.No.23453/2025 has prayed the following reliefs:

"I. Issue a writ in the nature of certiorari or any other appropriate writ, order or direction to quash the complaint in PCR bearing No.455/2017 (Annexure A) insofar as the petitioner is concerned.

II. Issue a writ in the nature of certiorari or any other appropriate writ, order or direction to quash the FIR dated 30.09.2017 filed in Crime No.275/2017, for offences punishable under sections 409, 420, 441 and 120B of IPC (Annexure B) insofar as the petitioner is concerned.

III. Issue a writ in the nature of certiorari to quash the charge sheet in CC No.9533/2018 on the file of II Addl. Chief Judicial Magistrate, Bengaluru Rural for the offences punishable under sections 120B, 406, 418, 419, 420, 447, 466, 468, 471, 474 R/w. 34 of IPC (Annexure C) insofar as the petitioner is concerned.

IV. Issue a writ in the nature of certiorari to quash the entire proceedings in CC No.9533/2018 on the file of II Addl. Chief Judicial Magistrate, Bengaluru Rural for the offences punishable under sections 120B, 406, 418, 419, 420, 447,

466, 468, 471, 474 R/w. 34 of IPC (Annexure D) insofar as the petitioner is concerned.

V. Grant such order as this Hon'ble Court deem fit in the interest of justice and equity."

5. The main contention of the learned counsel for the petitioner in W.P.No.23529/2025 is that when the complaint was filed and matter was referred for investigation, charge-sheet was filed for the offences punishable under Sections 120B, 406, 418, 419, 420, 447, 466, 468, 471, 474 read with Section 34 of IPC. The learned counsel would vehemently contend that the impugned complaint would show that the allegation pertaining to forgery of Government records such as khata etc. is only against accused No.1 and these petitions are filed by accused No.2. At no part of the complaint has there being any direct allegation against the petitioner herein except for a stray mention of the word 'collusion' and 'conspiracy' in venturing into purchase of site No.82 for a valuable sale consideration. A perusal of the sale deed executed in favour of the petitioner would show that accused No.1 had represented that khata in respect of site No.82 stands in her name and he is

a bonafide purchaser and he had purchased the property as against the sale consideration. It is also the contention that the complainant has also filed a suit before the Trial Court in O.S.No.155/2015 for declaration and injunction and the same is pending for consideration. When the civil case is pending before the Court there cannot be any criminal proceedings. The learned counsel would contend that accused No.1 had filed a petition before this Court seeking quashing of the impugned proceedings and the same was dismissed on the ground that there is allegation pertaining to fabrication of Government records. But insofar as this petitioner is concerned, only allegation of offence under Section 120B of IPC is invoked that he having the knowledge purchased the same, but this petitioner was not having any knowledge about the same. There cannot be any criminal prosecution against this petitioner when he was a bonafide purchaser and not having any knowledge and in order to show that there was a conspiracy between accused No.1 and this petitioner, nothing is placed on record. The learned counsel also vehemently contend that witnesses who have been cited also not spoken anything about

this petitioner that he was having the knowledge about the same and also there was no any entrustment.

6. W.P.No.23453/2025 is also filed by accused No.2 who is the purchaser and similar grounds urged in W.P.No.23529/2025 is urged in this petition also. The petitioners in both the petitions are one and the same. The learned counsel for the petitioner would submit that originally the property belonged to Thimmappa is not in dispute. It is alleged that Thimmappa had executed a registered GPA in favour of M/s.Jyothi Innovators on 17.08.1995 and before the execution of power of attorney, a registered Will was executed on 13.05.1993 in favour of original owner Munilakshmamma i.e., accused No.1 and considering this document of Will executed on 13.05.1993, purchased the property on 28.07.2014, considering the title and he was not having any knowledge about the power of attorney executed on 17.08.1995 and hence, the petitioner cannot be termed as conspirator and also having the knowledge.

7. The learned counsel for the petitioner in support of his arguments relies upon the judgment of the Apex Court in

the case of **S.ANAND v. STATE OF TAMIL NADU REPRESENTED BY ITS INSPECTOR OF POLICE AND ANOTHER** reported in **2026 LiveLaw (SC) 429** and brought to the notice of this Court the contentions raised in paragraph Nos.5, 9, 11 and 12 and particularly the discussion and analysis made in paragraph Nos.20, 21, 22 and 24, wherein referred to the judgment in the case of **MOHAMMED IBRAHIM AND OTHERS v. STATE OF BIHAR AND ANOTHER**. The learned counsel referring this judgment would contend that when the petitioner is a third party, who is the purchaser and having no any knowledge and if any inducement by accused No.1, there cannot be any criminal prosecution against this petitioner.

8. Per contra, the learned counsel for respondent No.2/complainant who vehemently contend that the Court has to take note of the conduct of this petitioner, who happens to be one of the purchaser. On the very same day when the vendor had executed 15 sale deeds, no consideration is passed, but as against the cash, sale deed was executed. The learned counsel also contend that when the suit was filed against this petitioner, he even did not choose to file any written statement

making any allegation against the vendor and making any claim against the vendor. Apart from that, even when the sale deed was obtained, not made any efforts to obtain the khata in respect of the property and even not filed any suit against accused No.1 and not initiated any action against accused No.1, instead protected the vendor even though sale deed was made in the year 2014. The learned counsel also vehemently contend that the Court has to take note of the conduct and modus operandi of the purchasers and on the very same day, in all 15 sale deeds were executed and other purchasers have also filed the petitions and the same are also dismissed.

9. The learned counsel for respondent No.2/complainant in support of his arguments relies upon the order of this Court passed in W.P.No.36622/2025 dated 01.04.2026 and brought to the notice of this Court paragraph No.3, wherein this Court observed that the contention of the learned counsel for the petitioner that he was not having any knowledge about the same and the same is done only by accused No.1 cannot be accepted and the fact is that accused No.1 executed the sale deed in favour of the petitioner and the

petitioner without verifying the created documents, indulged in having the sale deed from accused No.1, who is not the owner of the property. The investigation is conducted and specific allegation is made against the petitioner and during the course of investigation, statements were recorded. Having observed so, this Court dismissed the petition. The learned counsel also brought to the notice of this Court that when a similar petition was filed by accused No.1 in Crl.P.No.5173/2020 and other connected matters, this Court in detail taken note of accusation made in those cases and contents of the charge-sheet and having considered the materials available on record, particularly statement of witnesses, comes to the conclusion that criminal complaints cannot be quashed only on the ground that allegations made therein appear to be of civil in nature even though suits are filed.

10. The learned Additional SPP appearing for respondent No.1/State would submit that when the sale deed was made on 28.07.2014, sale consideration was shown more than Rs.18,00,000/-. But even part of the sale consideration is also not mentioned making payment by way of cheque. Hence,

it is clear that a fictitious sale deed is created in favour of the petitioner. The petitioner is in hand in glow with accused No.1 in creation of document and the same is taken note of by the Investigating Officer at the time of investigating the matter and hence, the question of entertaining these writ petitions and quashing the proceedings does not arise.

11. Having considered the factual aspects of the case and also the grounds urged in both the petitions and reliefs sought in the petition, it is the contention of the learned counsel for the petitioner that there was no any criminal conspiracy and this petitioner is not indulged in any such creation of document. The ground urged is that there is no ingredients of conspiracy and also no material about the knowledge. It is the contention of the learned counsel for respondent No.2 that these two sale deeds came into existence in 2014 and the complainant had purchased the property long back and in respect of the very same property, a document was created at the instance of this petitioner and accused No.1 and no such sale consideration is passed and no action is taken

against the vendor and the Court has to take note of the conduct of the petitioner.

12. Having heard the learned counsel for the respective parties, the points that would arise for the consideration of this Court are:

(i) Whether the petitioner has made out the ground to quash the proceedings initiated against him by exercising the power of writ jurisdiction read with Section 482 of Cr.P.C?

(ii) What order?

Point No.(i):

13. The learned counsel for the petitioner not disputes the fact that original owner is one Thimmappa. The learned counsel would submit that there was a registered Will in favour of Munilakshmamma executed on 13.05.1993 and having considered the title as well as Will executed in favour of Munilakshmamma, sale deed was executed on 28.07.2014, having paid the sale consideration. It is the claim of respondent No.2 that power of attorney was executed by Thimmappa in favour of M/s.Jyothi Innovators on 17.08.1995 and

Munilakshmamma was also a consenting witness to this power of attorney. Hence, accused No.1 wa having the knowledge about the execution of power of attorney and formation of the layout and sold the same properties and the complainant is the purchaser of the sites in the year 2000 itself. It is the contention of the learned counsel for the petitioner that the petitioner is a bonafide purchaser and was not having any knowledge.

14. On the other hand, the learned counsel for respondent No.2 brought to the notice of this Court that the petitioner was made as defendant in the suit filed by the complainant and he has not filed any written statement in the original suit. The learned counsel would also submit that 15 sale deeds are executed and all the sale deeds are against cash payment and this petitioner also not made any payment by way of DD or any cheque and as against the cash payment, obtained sale deed and even did not obtain any khata after the sale deed and also not filed any suit. Admittedly, the petitioner has not initiated any action against the vendor i.e., accused No.1 even for cheating. The learned counsel would contend that

the petitioner is trying to protect the vendor and having taken note of this conduct of the petitioner, the same is a matter of trial with regard to the non-taking of any action by the petitioner even though sale deed was made in the year 2014.

15. The learned Additional SPP appearing for respondent No.1/State would contend that when the sale consideration is more than Rs.18,00,000/-, even part of the payment also not made and it is a fictitious sale deed. When all these documents came into existence and when the person who is not having any title over the property to sell the same, these are the aspects to be considered by the Trial Court. Whether there was a conspiracy and whether the petitioner was having the knowledge, also to be considered at the time of trial. Even for conspiracy also the Court has to look into the circumstances whether the petitioner has indulged along with the vendor in getting the sale deed. It is the contention of the learned counsel for respondent No.2 that no sale consideration was passed. The petitioner has also not produced any document for having paid the sale consideration, except the sale deed. Whether the sale consideration was passed when the

sale deed was executed or not also to be considered by the Trial Court at the time of considering the accusation made in the complaint as well as in the charge-sheet.

16. This Court also taken note of similar set of facts in connected matters, which has been relied upon by the learned counsel for respondent No.2 in Crl.P.No.5173/2020, wherein accused No.1 was the petitioner in respect of the several complaints registered against the original owner i.e. vendor of this petitioner and also against the subsequent purchasers, in view of creation of 15 sale deeds on the very same day and all the sale deeds are against the cash payment. When such being the case, it is not a fit case to exercise the power under Section 482 of Cr.P.C. or writ jurisdiction. This Court cannot consider the disputed facts in a writ jurisdiction with regard to the fraud and also the conspiracy and the same requires trial. Whether there was an intention to cheat at the inception of transaction also is to be considered before the Trial Court. Hence, the petitioner has not made out any case to quash the proceedings.

Point No.(ii):

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

ORDER

Both the writ petitions are dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 16