HC-KAR

NC: 2026:KHC:65454
CRL.P No. 11257 of 2026

CNR: KAHC010513272026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO. 11257 OF 2026 (482(Cr.PC) / 528(BNSS)

BETWEEN:

1. SRI. SHIVARAJA G A
   S/O LATE ANJINAPPA,
   AGED ABOUT 55 YEARS

2. SRI. MAHESH G.A
   S/O LATE ANJINAPPA
   AGED ABOUT 46 YEARS

   BOTH ARE R/AT
   GADENAHALLI VILLAGE, JALA HOBLI,
   BENGALURU NORTH – 562 157.

…PETITIONERS

(BY SRI. SUYOG HERELE E.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   THROUGH CHIKKAJALA POLICE STATION,
   REPRESENTED BY SPP,
   HIGH COURT OF KARNATAKA BUILDING
   BENGALURU-560 001.

2. THE TAHSILDAR
   YELAHANKA , YELAHANKA TALUK,
   BENGALURU CITY – 560 064.

…RESPONDENTS

(SMT. DEEPTHI ALVA, HCGP)

Digitally signed by VANDANA S
Location: High Court of Karnataka

THIS CRL.P FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO ALLOW THIS CRL.P AND QUASH THE ENTIRE PROCEEDINGS IN CC.NO.3357/2023, PENDING BEFORE THE LEARNED ADDL. CIVIL JUDGE AND JMFC, DEVANAHALLI, INCLUDING FIR, COMLAINT, CHARGE SHEET IN CR.NO.100/2021 REGISTERED BY THE RESPONDENT IN CHIKKAJALA POLICE AMD THE ORDER OF TAKING COGNIZANCE DTD 15.04.2023, FOR THE OFFENCES P/U/S 420,465,468,471 R/W 34 OF IPC AND ALL FURTHER PROCEEDINGS PURSUANT THERETO, PRODUCED AT DOCUMENT NOs.1, 2, 3, 4.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

The petitioners have sought for the following relief's:

"i) Call for records ; Allow this criminal petition and Quash the entire proceedings in C.C.No.3357/2023 pending on the file of Learned Addl. Civil Judge and JMFC Devanahalli, including the FIR, Complaint and Charge Sheet in Crime No.100/2021 registered with the Respondent Chikka Jala Police and the order of taking cognizance dated: 15.04.2023 for the offences punishable under Section 420, 465, 468, 471 r/w 34 of IPC and all further proceedings pursuant thereto; Produced at ***DOCUMENT No.1,2, and 4.***

ii) Grant such other relief or relief's as this Hon'ble Court may deem fit to grant, in the facts and circumstances of the case, in the interest of justice and equity."

2. Heard learned counsel for the petitioners and perused the material on record.

3. A perusal of the material on record will indicate that the petitioners claim that they are the children of one Anjanappa who is said to have been cultivating the subject land bearing Survey No. 22 measuring 2 acres 35 guntas situated at Gadenahalli village in respect of which he sought for regularization of his occupation. It is contended that on 12.07.1962 the Deputy Commissioner regularized the said occupation of Anjanappa and granted the subject land in his favour vide Order No. LAN/SR (1)625/1961-62. Subsequently vide mutation proceedings in MR No. 6/1982-83, the Khata in respect of the subject lands was mutated into the name of the said Anjanappa whose name was entered in Column No. 9 and 12(2) of the revenue records/RTC in respect of the subject land. Subsequently, upon the demise of Anjanappa in the year 1984, the petitioners sought for mutation of the khata into their names which was accepted by the revenue authorities vide mutation proceedings in MR No. 17/1991-92 and the names of the petitioners were entered in the revenue records/RTC in respect of the subject lands in the year 1991-1992.

4. On 02.09.1991, at the instance of the Tahsildar-respondent no. 2, the Assistant Commissioner initiates proceedings seeking deletion/removal of the names of the petitioners from Column No. 9 and also lodged a written complaint before the jurisdictional Police Authorities which was registered as an F.I.R. in Crime No. 100/2021 against the petitioners for alleged offences punishable under Sections 420, 465, 468 and 471 of the IPC. It is contended by the petitioners that without providing sufficient or reasonable opportunity to the petitioner, the Assistant Commissioner deleted the names of the petitioners vide order dated 14.09.2021 which was assailed by the petitioners before the Deputy Commissioner in Revision Petition No. 250/2026 under Section 136(3) of the Karnataka Land Revenue Act which was allowed by the Deputy Commissioner vide final order dated 09.03.2026 whereby the Deputy Commissioner set aside the order of the Assistant Commissioner and remitted the matter back to the Assistant Commissioner for reconsideration afresh in accordance with law.

5. It is therefore a matter of record and an undisputed fact that the proceedings relating to the revenue records, names of the petitioners in the revenue records in respect of the subject lands are currently pending before the Assistant Commissioner and the same have not attained finality as on today. Meanwhile the respondents initiated the impugned criminal proceedings pursuant to F.I.R. in Crime No. 100/2021 which are currently pending in CC No. 3357/2023 which are impugned in the present petition and as such the petitioners are before this Court by way of the present petition.

6. Learned counsel for the petitioners would reiterate the various contentions urged in the petition and refer to the material on record in order to point out that having regard to the undisputed fact that the subject matter of the criminal proceedings relate to the names of the petitioners being entered into in the revenue records in respect of the subject land which are currently pending before the revenue authorities i.e., the Assistant Commissioner. The present criminal proceedings are nothing but an abuse of process of law and the same would necessarily have to await the result of the

proceedings before the revenue authorities and as such in order to secure the ends of justice, the impugned criminal proceedings deserve to be quashed.

7. In support of his submissions, he placed reliance upon the Co-ordinate Bench judgment of this Court in the case of ***Sri Chandrashekar B.G. Vs. The State of Karnataka and another (Crl. P. No. 9436/2026 dated 13.10.2020)***.

8. Per contra, learned HCGP for the respondent submits that there is no merit in the petition and the same is liable to be dismissed.

9. The aforesaid factual circumstances and the material on record clearly establishes that it is an undisputed fact that the khata in respect of the subject land was mutated into the names of the petitioners as long back as in the year 1991-92 and it is only after lapse of 30 years that the respondents initiated not only the impugned criminal proceedings but also revenue proceedings at the instance of the Tahsildar, by the Assistant Commissioner seeking deletion / removal of the names of the petitioners from the revenue records which are

currently pending before the Revenue Authorities i.e. the Assistant Commissioner.

10. As stated supra, in ***Chandrashekar's*** case, the Co-ordinate Bench this Court held as under:

> *" Heard the learned counsel appearing for the petitioner, the learned HCGP for respondent No.1 and the learned counsel appearing for respondent No.2.*
>
> *2. This petition is filed to quash the FIR in Crime No.193/2026 before Avalahally Police Station.*
>
> *3. Learned counsel appearing for the petitioner would submit that the petitioner is the second wife of deceased Girish. Learned counsel for the petitioner submits that Girish executed a registered Will in his favour on 19.02.2002 and it is further contention that the complaint is filed alleging that the Will is forged and the complaint is filed by the person claiming to be the first wife of late Girish.*
>
> *4. Learned counsel for the petitioner would submit that the suit is pending in O.S.No.1280/2016 on the file of the Principal Senior Civil Judge, Bengaluru Rural District. Thus, would contend that the complaint is not tenable.*
>
> *5. Learned counsel appearing for the 2nd respondent would submit that the alleged Will has not seen the light of the day for 13 years though the testator died in the year 2013. The dispute was pending between respondent No.2 and brother of the deceased relating to succession and that was ultimately decided by the Deputy Commissioner in the year 2013-14 and order was passed in favour of 2nd respondent. Despite the order, name of the 2nd respondent was not entered in the property records. Then an application came to be filed before the*

Tahasildar to enter the name. However, Tahsildar has not entered the name of the 2nd respondent.

6. The petitioner filed an application to enter his name based on the Will on 24.02.2026 and his name is entered in the property records on 03.03.2026 and said property is sold on 05.03.2026.

7. The Court has noticed that the Tahsildar on the application filed by the 2nd respondent/complainant has issued notice to the concerned and it appears that the 2nd respondent has entered appearance through an advocate before the Tahsildar and thereafter, the Tahsildar has passed the order. Now, the matter is pending before the Civil Court.

8. Under these circumstances, respondent No.2 who is the plaintiff before the Court is entitled to take a contention that the Will is forged and if it is established that the Will is forged, the 2nd respondent can pursue the criminal procedure. At this juncture, it is not necessary to proceed with the investigation.

9. Accordingly, petition is allowed.

10. Proceeding in Crime No.193/2026 before Avalahally Police Station is quashed."

11. In the instant case, having regard to the undisputed fact that the subject matter of the present criminal proceedings relating to the names of the petitioners being contained in the revenue records in respect of the subject lands which are currently pending before the revenue authorities i.e. the Assistant Commissioner, I am of the considered opinion that continuation of the present criminal proceedings which are

directly and substantially seized by the Revenue Authorities would amount to abuse of process of law since the final result of the said revenue proceedings and the findings recorded therein would have a direct and substantial impact on the present criminal proceedings warranting interference by this Court in the present petition.

12. In other words, having regard to the fact that the allegations of forgery, creation of false evidence, etc, are also the subject matter of the proceedings before the revenue authorities, in order to secure the ends of justice, the present impugned criminal proceedings deserve to be quashed by reserving liberty in favour of the respondents to initiate proceedings fresh / new proceedings after conclusion / disposal of the proceedings pending before the revenue authorities.

13. In the result, I proceed to pass the following:

ORDER

Petition filed by the petitioners-accused Nos.2 and 3 is allowed. Consequently, the entire proceedings in C.C. No. 3357/2023 pending on the file of learned Addl. Civil Judge and JMFC, Devanahalli arising out of Crime No. 100/2021 registered for the offences u/S 420, 465, 468, 471 r/w 34 of IPC by the Chikka Jala Police Station stands quashed insofar as the petitioners herein are concerned.

Liberty is reserved in favour of the respondents to initiate fresh/new proceedings against the petitioners after conclusion of the proceedings before the revenue authorities and the same attain finality in accordance with law.

Subject to the aforesaid directions, the petition stands disposed off.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

BVV
List No.: 1 Sl No.: 26