HC-KAR

NC: 2026:KHC:59929
CRL.P No. 12946 of 2026

CNR: KAHC010581602026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 12946 OF 2026

BETWEEN:

1. SRI. MANJUNATHA R,
   S/O. RAMAIAH,
   AGED ABOUT 51 YEARS,
   OCCUPATION: SURVEY SUPERVISOR,
   R/AT NO.5C-115, EAST OF NGEF LAYOUT,
   1ST MAIN, BANGALORE NORTH
   5TH CROSS, KASTURINAGARA,
   KALYANANAGAR,
   BENGALURU - 560 043.

2. R. THONTARADHYA,
   S/O. LATE N.R. RENUKAPPA,
   AGED ABOUT 55 YEARS
   ASSISTANT DIRECTOR OF LAND RECORDS,
   R/AT DVG ROAD, BEHIND EURO KIDS SCHOOL,
   MALUR, KOLAR DISTRICT - 563 130
   MOBILE NO.9036280589.

...PETITIONERS

(BY SRI. BALAKRISHNA M.R, ADVOCATE)

Digitally signed by ASHWINI MAYAPPA MAVARAKAR
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
   BY MALUR POLICE STATION,
   REPRESENTED BY ITS STATE PUBLIC
   PROSECUTOR, HIGH COURT BUILDING,

BENGALURU - 560 001.

2. H.V. GIRISH
S/O. LATE H.D. VENKATASWAMY
AGED ABOUT 57 YEARS,
THEN THE TAHASILDAR OF MALUR,
MALUR TALUK,
KOLAR DISTRICT - 563 130.

…RESPONDENTS

(BY SRI. VINAY MAHADEVAIAH, HCGP FOR R1 AND R2)

THIS CRL.P IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN CC.NO.650/2019 ARISING OUT OF CR.NO.287/2017 REGISTERED BY THE 1st RESPONDENT IN MALUR P.S., FOR THE OFFENCES P/U/S 143, 465, 468, 471, 420, 120(B) R/W 149 OF IPC, U/S 192-A OF KARNATAKA LAND REVENUE ACT, PENDING BEFORE THE HONBLE PRL. CIVIL JUDGE AND JMFC, AT MALUR.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 14.08.2019 passed by Prl. Civil Judge and JMFC, Malur in C.C.no.650/2019 taking cognizance of offences punishable under Sections 143, 465, 468, 471, 420 and 120B read with Section 149 of IPC and Section 192-A of

Karnataka Land Revenue Act, 1964 (***KLR Act***), as well as for quashing of entire proceedings insofar as petitioners, this petition is filed.

2. Sri M.R.Balakrishna, learned counsel for petitioners submitted that petitioners were accused no.6 and 7 in C.C.no.650/2019 on file of Prl. Civil Judge & JMFC, Malur. Said proceedings were in pursuance of a complaint dated 19.08.2017 filed by respondent no.2 making allegations against accused no.1-Nanjegowda etc. It was submitted that in pursuance of complaint, FIR in Crime no.287/2017 was registered by respondent no.1-Malur Police Station. It was submitted that name of petitioners did not figure in complaint nor any allegations were made against them. After investigation, police filed 'B' report on 20.11.2017. Complainant has filed protest petition on 09.07.2019, produced as document no.4 to this petition. For first time in para 10 of protest petition certain allegations were made against petitioners, which read as follows :

> "10. In fact M.C.Keshavamurthy, the DDLR, Kolar came to know that the accused Nanjegowda

intentionally committed a fraud, cheating, forging the documents to knock off the property in question in collusion with aforesaid persons and also some government officials, initiated an enquiry against the accused Nanjegowda in G.Co.Bu., enquiry no.50/2013. M.C.Keshavamurthy the DDLR issued a notice to the accused Nanjegowda to say in the matter. But the accused Nanjegowda never turned up, not gave statement or not produced documents before the DDLR, Kolar. The said DDLR had held a detailed enquiry and perused the relevant documents pertaining to Sy.no.30/P4 of Haradakotturu village, Malur taluk and detail orders was passed on 16.01.2016. In the said order it reveals that one Sri R.Manjunath a surveyor and also Sri R.Thontaradya in-charge supervisor of survey department, Malur taluk, were in hands in glove of accused Nanjegowda. The above two persons and accused Nanjegowda have joined together and fraudulently created a false survey documents in favour of Nanjegowda and gave new Sy.no.65. The aforesaid survey document (Podi sketch) new Sy.no.65 of Haradakothuru village, Malur taluk has cancelled by the said DDLR."

3. It was submitted that allegations against petitioners were, therefore, based only on an observation by DDLR, Kolar that petitioners were hands in glove with accused no.1 Nanjegowda in fraudulently creating survey documents to

favour Nanjegowda. Order of DDLR dated 16.01.2016 was questioned by Nanjegowda before DC, Kolar in Revision no.21/2015-16. Though Revision was dismissed on 19.07.2017, in W.P.no.37670/2017 filed by Nanjegowda, this Court on 31.01.2022 quashed order of DDLR and DC with following observations:

"**ORDER**

i. The writ petition is **allowed in part.**

ii. The impugned order dated 19.07.2017 passed by the second respondent Deputy Commissioner at Annexure-A and the order dated 16.01.2015 passed by the third respondent-Deputy Director of Land Records and Technical Assistant at Annexure-B, are hereby quashed and set aside.

iii. The revenue authorities are duty bound to consider the application for durasth made by the petitioner. Therefore, they shall conduct the durasth work in respect of 2 acres of land in Sy.no.30 of Hardhakotur village, Takal Hobli, Malur Taluk, Kolar District, fix the boundaries and permit the petitioner to carry on the business of Jelly Crushing in terms of the conversion order passed by the Deputy Commissioner.

iv. If the Government is of the opinion that there was no grant made in favour of Sri.Ramappa and neither Sri.Ramappa nor his successor nor subsequent purchaser would derive any rights in respect of the land in question, then the State

Government is at liberty to initiate action in accordance with law.

v. Needless to observe that any action to be taken against the petitioner shall be after issuance of appropriate notice to the petitioner and proceedings only in a manner known to law."

4. It was submitted that basis for allegations against petitioners were thus, *set at naught*.

5. Apart from above, it was submitted that petitioners were Survey Department officials, namely, ADLR and Survey Supervisor, who had acted on basis of order passed by Assistant Commissioner, Kolar dated 19.08.2008 at document no.8 and official memorandum issued by Tahsildar, Malur, dated 28.08.2008 at document no.9 and as such would be protected under Section 196 of KLR Act read with Section 197 of Cr.P.C. and cognizance was taken without obtaining sanction from prosecution. In support of submission about illegality of order, taking cognizance, learned counsel relied upon decisions of Hon'ble Supreme Court in ***D.Devaraja v. Owais Sabeer Hussain***, reported in ***(2020) 7 SCC 695*** and ***Mahmood Ali and Others v. State of Uttar Pradesh and Others*** reported

in ***(2023) 15 SCC 488.*** On above grounds, sought for allowing petition.

6. Sri Vinay Mahadevaiah, learned HCGP for respondent-State, on other hand, would oppose petition. It was submitted that order of taking cognizance by learned Magistrate was by assigning reasons and observing that complainant herein was a Government official and 'B' report filed by Circle Inspector disregarded responsible position of complainant.

7. Apart from above, there was invocation of Section 120B of IPC alleging petitioners were part of conspiracy and as matter was yet at stage of investigation, contentions would be matters for trial. Therefore, quashing petition would be untenable and sought for dismissal.

8. Heard learned counsel and perused petition and material on record.

9. This petition is by accused no.6 and 7 for quashing of order taking cognizance as well as for quashing of entire proceedings. As noted above, it is not in dispute that name of

petitioners did not figure either in complaint or in 'B' report filed by Police. Allegations against petitioners appeared for first time only in protest petition and were based only on observation made by DDLR, Kolar, in his order dated 16.01.2016. Admittedly, said order and order of Deputy Commissioner, Kolar, in Revision no.21/2015-16 were challenged in W.P.no.37670/2017 which by order dated 31.01.2022 quashed orders passed by DDLR dated 16.01.2015 as well as Deputy Commissioner dated 19.07.2017, but with liberty to State to take action against Ramappa or subsequent purchasers. Thus, order which provided basis for allegations against petitioners itself has been quashed.

10. Besides above, document no.10 would indicate that departmental proceedings initiated against petitioners ended in their acquittal on 12.05.2015. This would also enure to petitioners herein.

11. Besides above, petitioners as officials of Revenue Department would be entitled to protection under Section 196 of KLR Act read with Section 197 of Cr.P.C. There is no mention

about obtaining of sanction. For all above reasons, impugned proceedings would not sustain against petitioners.

12. Hence, Petition is ***allowed,*** proceedings in C.C.no.650/2019 pending before Prl. Civil Judge and JMFC, Malur taking cognizance of offences punishable under Sections 143, 465, 468, 471, 420 and 120B read with Section 149 of IPC and Section 192-A of KLR Act stand quashed, insofar as petitioners/accused no.6 and 7.

Sd/-
(RAVI V HOSMANI)
JUDGE

HNM
List No.: 1 Sl No.: 14