HC-KAR

NC: 2026:KHC:60071
CRL.P No. 11690 of 2023

CNR: KAHC010598352023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11690 OF 2023

BETWEEN:

MOHSIN SHARIFF
S/O DR. A.M. SHARIFF
AGED ABOUT 59 YEARS
R/AT NO.69, 14THC ROSS
CMH ROAD, INDIRANAGAR
BENGALURU - 560 038
PRESENTLY R/AT NO.32 AND 33
SONNAPPANAHALLI VILLAGE
BEHIND VIT BUS STOP
CHIKKAJALA, HUNSAMARANAHALLI
BENGALURU - 562 157.

...PETITIONER

(BY SRI SOMASHEKAR C ANGADI, ADV.)

AND:

1. STATE OF KARNATAKA
   BENGLAURU REP BYE STATE
   PUBLIC PROECUTOR, HIGHCOURT
   BENGALURU - 560 001.

2. M.S. PARTHASARATHI
   EX MLA, KADARI CONSTITUENCY
   SATYA SAI DISTRICT
   ANDRA PRADESH
   PRESENTLY R/T FLAT NO.102
   MARUTHI ENCLAVE, NO.30
   6TH CROSS, CT BED
   THAYGARAJANAAR
   BANASHANKARI, 2ND STAGE
   BENGALURU - 560 070.

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R-1;
R-2 SERVED, UNREPRESENTED)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER PENDING BEFORE THE ADDL.CIVIL JUDGE AND J.M.F.C DEVANAHALLI BENGLAURU DISTRICT IN C.CN.O.3348/2023 OF CR.NO.62/2022 REGISTERED BY CHIKKAJALA P.S. BENGALURU DISTRICT FOR THE OFFENCE P/U/S 406,420 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

This petition under Section 482 of Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.' for short) is filed seeking for the following reliefs:

> "WHEREFORE, the petitioner most respectfully pray that this Hon'ble Court be pleased to:
>
> *i) Call for records in C.C.No.3348/2023 pending on the file of Addl. Civil Judge, & JMFC Devanahalli Bengaluru District and to quash the entire proceedings against the petitioner pending before the Addl. Civil Judge & JMFC Devanahalli, Bengaluru District in C.C.No.3348/2023 of Cr.No.62/2022 registered by Chikkajala P.S. Bengaluru District for offence punishable under Section 406 & 420 of IPC.*
>
> *ii) To grant such other relief/s as this Hon'ble Court deems fit in the circumstances of the case in the ends of justice and equity."*

2. Heard the learned counsel for the petitioner and learned High Court Government Pleader appearing on behalf of respondent No.1-State. Respondent No.2, who is served in the matter, has remained unrepresented before this Court.

3. A reading of the first information submitted by respondent No.2, which has resulted in registering FIR in Crime No.62/2022 as against the petitioner, would go to show that the petitioner, who had allegedly entered into an agreement for sale with respondent No.2 in respect of property bearing Survey No.32, measuring 4 acres and 28 guntas and Survey No.33, measuring 2 acres and 11 guntas, situated at Sonnappananhalli, Jala Hobli, Bengaluru North Taluk. Subsequently, had failed to execute the necessary sale deed in respect of the aforesaid lands, in spite of he receiving advanced sale consideration under the agreement for sale executed between the parties. Therefore, respondent No.2 had approached the Police.

4. Learned counsel for the petitioner has produced material before this Court to show that respondent No.2 has filed O.S.No.1291/2022 before the jurisdictional Civil Court at Devanahalli, seeking the relief of specific performance of the agreement for sale dated 07.09.2012 executed between the petitioner and respondent No.2.

5. The petitioner herein is arrayed as defendant No.5 in the said suit, while the original owners of the property are arrayed as defendant Nos.1 to 4. Undisputedly, petitioner had an agreement with the original owners of the property.

6. From the aforesaid, it appears that the dispute between the parties is purely civil in nature and by giving a criminal texture to the same, a separate criminal proceedings has been initiated against the petitioner, which is challenged in this criminal petition.

7. Learned counsel for the petitioner, during the course of argument, has submitted that O.S.No.1291/2022

is still pending consideration. Under the circumstances, continuation of the impugned criminal proceedings against the petitioner would amount to abuse of the process of law and therefore, it is necessary to quash the same. Accordingly, the following:

ORDER

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

ii) The entire proceedings in C.C.No.3348/2023 arising out of Cr.No.62/2022 registered by Chikkajala Police Station, Bengaluru District, for the offences punishable under Sections 406, 417 and 420 of IPC pending before the Court of the Additional Civil Judge and JMFC, Devanahalli, Bengaluru District, is hereby quashed.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 2 Sl No.: 25