HC-KAR

NC: 2026:KHC:62770
CRL.P No. 11604 of 2024
C/W CRL.P No. 11608 of 2024

CNR: KAHC010603032024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 11604 OF 2024

C/W

CRIMINAL PETITION NO. 11608 OF 2024

IN CRL.P No. 11604/2024

BETWEEN:

1. SRI. BHUSHAN,
   S/O LATE V SOMANNA,
   AGED ABOUT 61 YEARS,
   R/AT NO.168/1,
   BEHIND MILK DIARY,
   HUSKUR VILLAGE, HUSKUR POST,
   SARJAPURA HOBLI, ANEKAL TALUK,
   BENGALURU DISTRICT - 560 099.

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

2. SRI. VIRUPAKSHA,
   S/O LATE V. SOMANNA,
   AGED ABOUT 60 YEARS,
   R/AT NO.168/1,
   BEHIND MILK DIARY,
   HUSKUR VILLAGE, HUSKUR POST,
   SARJAPURA HOBLI, ANEKAL TALUK,
   BENGALURU DISTRICT - 560 099.

3. SRI. MANJUNATH,
   S/O LATE V.SOMANNA,

AGED ABOUT 50 YEARS,
R/AT NO.168/1,
BEHIND MILK DIARY,
HUSKUR VILLAGE, HUSKUR POST,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

4. SMT. SUMA,
W/O LATE H.S.UMESH,
AGED ABOUT 55 YEARS,
R/AT NO.168/1,
BEHIND MILK DIARY,
HUSKUR VILLAGE, HUSKUR POST,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

5. SRI. THEJASH/THEJAS,
S/O LATE H.S.UMESH,
AGED ABOUT 33 YEARS,
R/AT NO.168/1,
BEHIND MILK DIARY,
HUSKUR VILLAGE, HUSKUR POST,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

6. SRI. JAYANTH,
S/O LATE H.S.UMESH,
AGED ABOUT 31 YEARS,
R/AT NO.168/1,
BEHIND MILK DIARY,
HUSKUR VILLAGE, HUSKUR POST,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

7. SMT. CHANDRAKALA,
D/O LATE V. SOMANNA,
AGED ABOUT 58 YEARS,
R/AT NO.176/6,
SHANKARNAG ROAD,
BEHIND KEB, ANEKAL TOWN,
ANEKAL TALUK,
BENGALURU DISTRICT - 562 106.

…PETITIONERS

(BY SRI. GANAPATHY NARAYAN BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
HEBBAGODI POLICE STATION,
BENGALURU DISTRICT - 560 099,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. SRI. H.P.PUNYESHAIAH,
S/O LATE H.V.PUTTANNA SHETTY,
AGED ABOUT 65 YEARS,
R/AT HAROHALLI VILLAGE,
SARJAPURA HOBLI,
ANEKAL TALUK,
BENGALURU DISTRICT - 562 135.

…RESPONDENTS

(BY SRI.JAVEED S., HCGP FOR R1;
SRI.C.ANANTHA KUMAR, ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS IN

C.C.NO.2912/2024 REGISTERED FILED BY THE RESPONDENT NO.1 POLICE, I.E., HEBBAGODI POLICE STATION FOR THE OFFENCES P/U/S 417 AND 420 OF IPC ON THE FILE OF PENDING BEFORE THE IV ADDITIONAL CIVIL JUDGE AND JMFC, AT ANEKAL, AS PER ANNEXURE-A.

IN CRL.P NO. 11608/2024

BETWEEN:

1. SRI. BHUSHAN,
   S/O LATE V SOMANNA,
   AGED ABOUT 61 YEARS,
   R/AT NO.168/1,
   BEHIND MILK DIARY,
   HUSKUR VILLAGE, HUSKUR POST,
   SARJAPURA HOBLI, ANEKAL TALUK,
   BENGALURU DISTRICT - 560 099.

2. SRI. VIRUPAKSHA,
   S/O LATE V. SOMANNA,
   AGED ABOUT 60 YEARS,
   R/AT NO.168/1,
   BEHIND MILK DIARY,
   HUSKUR VILLAGE, HUSKUR POST,
   SARJAPURA HOBLI, ANEKAL TALUK,
   BENGALURU DISTRICT - 560 099.

3. SRI. MANJUNATH,
   S/O LATE V.SOMANNA,
   AGED ABOUT 50 YEARS,
   R/AT NO.168/1,
   BEHIND MILK DIARY,
   HUSKUR VILLAGE, HUSKUR POST,

SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

4. SMT. SUMA,
W/O LATE H.S.UMESH,
AGED ABOUT 55 YEARS,
R/AT NO.168/1,
BEHIND MILK DIARY,
HUSKUR VILLAGE, HUSKUR POST,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

5. SRI. THEJESH,
S/O LATE H.S.UMESH,
AGED ABOUT 33 YEARS,
R/AT NO.168/1,
BEHIND MILK DIARY,
HUSKUR VILLAGE, HUSKUR POST,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

6. SRI. JAYANTH,
S/O LATE H.S.UMESH,
AGED ABOUT 31 YEARS,
R/AT NO.168/1,
BEHIND MILK DIARY,
HUSKUR VILLAGE, HUSKUR POST,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 099.

7. SMT. CHANDRAKALA,
D/O LATE V. SOMANNA,
AGED ABOUT 58 YEARS,
R/AT NO.176/6,

SHANKARNAG ROAD,
BEHIND KEB, ANEKAL TOWN,
ANEKAL TALUK,
BENGALURU DISTRICT - 562 106.

…PETITIONERS

(BY SRI. GANAPATHY NARAYAN BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
HEBBAGODI POLICE STATION,
BENGALURU DISTRICT - 560 099,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. SRI. H.P.PUNESHAIAH,
S/O LATE H.V.PUTTANNA SHETTY,
AGED ABOUT 65 YEARS,
R/AT HAROHALLI VILLAGE,
SARJAPURA HOBLI,
ANEKAL TALUK,
BENGALURU DISTRICT - 562 135.

…RESPONDENTS

(BY SRI.JAVEED S., HCGP FOR R1;
SRI.C.ANANTHA KUMAR, ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.2912/2024 REGISTERED FILED BY THE RESPONDENT NO.1 POLICE I.E, HEBBAGODI POLICE STATION FOR THE OFFENCES P/U/S 417 AND 420 OF IPC ON THE FILE OF

PENDING BEFORE THE IV ADDL. CIVIL JUDGE AND JMFC, AT ANEKAL, AS PER ANNEXURE-A.

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

CORAM: **HON'BLE MR. JUSTICE RAJESH RAI K**

ORAL ORDER

In Crl.P.No.11604/2025, the petitioners have challenged the impugned proceedings in C.C.No.2913/2024, arising out crime in Crime No.451/2023, dated 24.08.2023 filed by the respondent No.1 - Hebbagodi Police Station against the petitioners/accused for the offences punishable under Sections 417 and 420 of IPC pending on the file of IV Additional Civil Judge and JMFC at Anekal, Bangalore Rural District.

In Crl.P.No.11608/2024, the petitioners have challenged the impugned proceedings in C.C.No.2912/2024, arising out crime in Crime

No.393/2023, dated 02.08.2023 filed by the respondent No.1-Hebbagodi Police against the petitioners/accused for the offences punishable under Section 417 and 420 of IPC pending on the file of IV Additional Civil Judge and JMFC at Anekal, Bangalore Rural District.

2. The brief facts of the case which are necessary for disposal of these petitions are that, the father of respondent No.2, one late Puttana Shetty, was the absolute owner and was in possession of the properties bearing Sy. No.16/7 measuring 2 acres 39 guntas and Sy.No.16/9 measuring 2 acre 32 guntas situated at Harohalli Village, Sarjapura Hobli, Anekal Taluk, Bengaluru Urban District. After his demise, his siblings i.e. the uncles of respondent No. 2, with an intention to grab the said property, created a forged partition deed dated 16.10.1969 on the pretext of looking after the minor children of late Puttanna Shetty.

3. The said aspect of the matter came to the knowledge of mother of respondent no. 2 and she approached the Tahsildar in RRT No. 32 of 1968-69. Later on 17.07.1968, by way of compromise, the katha of the said property mutated in the name of mother of respondent no. 2 in RA No. 413/1969, which was filed before the Assistant Commissioner of Anekal Taluk.

4. It is further alleged in the complaint that later in the year 2006 the mother of respondent no. 2 died and thereafter once again the siblings of late Puttana Shetty mutated the khata of the subject property in their names. As such the petitioners once again approached before the District Commissioner and obtained interim order of stay against the said mutation of the entries. Subsequently the respondent No. 2 lodged two complaints against the petitioners before the respondent No.1, one on 02.02.2023 which was registered in Crime No.393/2023

and another on 24.08.2023 which was registered in Crime No.451/23 for the aforementioned offences.

5. Subsequently the respondent No.1-Police investigated the case and laid charge sheet against the petitioners for the offences punishable under Section 417 and 420 of IPC in both crimes. Accordingly, the learned Magistrate took cognizance of the offences in both cases. Aggrieved by the same, the petitioners challenged the proceedings pending on the file of Civil Judge and JMFC at Anekal in C.C. No. 2913 of 2024 and C.C.No.2912/2024 as stated supra.

6. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent No.2 and learned High Court Government Pleader appearing for respondent No.1.

7. Apart from urging several contentions, the learned counsel for the petitioners primarily contended that on careful perusal of the complaints and charge sheet

materials, no offence has been made out against the petitioners for the offences punishable under Sections 417 and 420 of IPC. He contended that in the complaint averments it is stated that the registered partition deed dated 16.10.1969 by the father of respondent no. 2 and the petitioners was allegedly forged and thereafter, the name of - respondent No.2 was left over in the mutation entry.

8. However, the petitioners were nowhere concerned about the partition deed of the year 1969 and had not aware of the same. In such circumstances, there was no such opportunity to the petitioners to forge the registered partition deed dated 16.10.1969. Investigating Officer after investigation, in both crimes left the provisions of sections 465, 467, 468 and 471 of IPC from the charge sheet and laid the charge sheet against the petitioners for the offences punishable under Sections 417 and 420 of IPC. He further contended that, the

petitioners neither had intention of deceiving the respondent No.2, nor they have cheated him.

9. As per the mutation of khata in the name of petitioners by including the name of respondent no. 2, in respect of property bearing Sy.Nos.16/7 and 16/9 there are multiple disputes pending before the Tahsildar and the Assistant Commissioner. Such being the position the respondent no. 2 lodged a false complaint against the petitioners out of vengeance in order to give criminal colour to the civil dispute. With this submission he prays to allow the petitions.

10. *Per contra*, the prayer is opposed by learned counsel for the respondent No. 2 and the learned High Court Government Pleader. They jointly contended that, the charge sheets have been laid against the petitioners in both crimes for the offences punishable under Sections 417 and 420 of IPC, the statements of material witnesses cited in the charge sheet, reveal the involvement of these

petitioners in the crimes. They both further contended that after demise of the mother of respondent No. 2, the petitioners once again, mutated the katha in their names without the consent of respondent no. 2. Though they were agreed to include his name on the previous occasion before the Assistant Commissioner in a compromise held between the petitioners and respondent no. 2. In such circumstances, with the clear intention of cheating and by inducing, the petitioners to grab the properties, changed the khatha in their names. As such they have committed the offences punishable under Section 420 and 417 of IPC. Hence the proceedings cannot be quashed at this stage. Accordingly they prays to dismiss the petition.

11. I have given my anxious consideration both on the submission and perused the entire complaint and charge sheet materials.

12. As could be gathered from records, the relationship between the parties i.e. the petitioners and

respondent no. 2 are not in dispute. They both belong to the same family. The petitioners are the children of late Somanna and the respondent no. 2 - is the son of elder brother of the late Somanna.

13. On careful scrutiny of the complaint averments, it is alleged in the complaints that, the petitioners forged and concocted the registered partition deed dated 16.09.1969. Admittedly, the said partition deed was executed by the father of the respondent no.2- i.e. Puttanna Shetty.

14. Though the petitioners are the beneficiaries under the said partition deed, there was no such occasion for them to forge the said partition deed as claimed by the respondent no. 2. Nevertheless the investigating officer, after carrying out the detailed investigation in both dropped the offences under Section 164, 467, 468 and 471 of IPC from the charge sheet, and filed charge sheet

against the petitioners for the offences under Sections 417 and 420 of IPC.

15. On further scrutiny of the complaint and charge sheet materials, there is no such act of cheating committed by the petitioners is forthcoming. It is nowhere stated in the complaint or in the charge sheet that the petitioners by deceiving the respondent no. 2, for illegal gain committed any such offence or executed an agreement.

16. It is settled position of law by the Hon'ble Apex Court in catena of Judgments that in order to attract Section 415 or 417 of the IPC, there must be an agreement between the parties and one must deceive the other for wrongful gain.

17. In the instant case, no such allegations are made against the petitioners. As rightly contended by learned counsel for the petitioners, there are multiple cases filed between the petitioners and respondent no. 2

in respect of the above mentioned property before the Tahsildar, Assistant Commissioner and the District Commissioner.

18. In such circumstances, it could be gathered from records that, the complaints have been filed by the respondent No. 2 against the petitioners, only in order to give criminal colour to the civil disputes pending between them.

19. In such circumstances, 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.*

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 CrPC.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the CrPC 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."

20. Further, the Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph No.11 to 14 held as under:

"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this

stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

> *"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
>
> *(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
>
> *(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no*

investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. 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. 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. 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 482 of the CrPC 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.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, 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:-

> *"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, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, 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…..” (Emphasis supplied)*

> *14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."*

21. Collocating the above findings of the Hon'ble Apex Court in the above Judgments to the fact and circumstances of this case, I am of the considered view that, since the dispute between the parties are purely civil in nature and there is no such element of cheating is forthcoming in the entire charge sheet materials and there are civil disputes pending between the parties, the entire allegations made in the charge sheet, even if taken on their face value, no offences have been made out against the petitioners for the offences they have been charge

sheeted. In such circumstances, I am of the view that the continuation of the criminal proceedings against these petitioners amounts to abuse of process of the court. Accordingly, the petitions succeed.

22. Hence, I proceed to pass the following:

ORDER

i. The Criminal Petitions are ***allowed***.

ii. The impugned proceedings in C.C.No.2913/2024, arising out FIR in Crime No.451/2023, registered by the Hebbagodi Police Station, pending on the file of IV Additional Civil Judge and JMFC, at Anekal, for the offences punishable under Section 417 and 420 of IPC, are hereby quashed.

iii. The impugned proceedings in C.C.No.2912/2024, arising out of Crime No.393/2023, pending on the file of IV

Additional Civil Judge and JMFC, at Anekal, for the offences punishable under Section 417 and 420 of IPC, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HR
List No.: 2 Sl No.: 3