



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 1616 OF 2019

BETWEEN:

1. SRI. NARASIMHA MURTHY
S/O. LATE. GANGAPPA,
AGED ABOUT 44 YEARS,
RESIDENT OF IDAGUR VILLAGE,
GOWRIBIDANUR TALUK,
CHICKABALLAPURA DISTRICT-561208.
2. SMT. MUDDUGANGAMMA
W/O. LATE GANGAPPA,
AGED ABOUT 60 YEARS,
RESIDENT OF IDAGUR VILLAGE,
GOWRIBIDANUR TALUK,
CHICKABALLAPURA DISTRICT-561208.
3. SRI. NAGARAJU
S/O. LATE. KADIRI NARASIMHAIAH,
AGED ABOUT 36 YEARS,
RESIDENT OF VADALA VENI VILLAGE,
GOWRIBIDANUR TALUK,
CHICKABALLAPURA DISTRICT-561208.
4. SRI. PYARUSABI
S/O. LATE MAHAMAD SABI
AGED ABOUT 50 YEARS,
RESIDENT OF IDAGUR VILLAGE,
GOWRIBIDANUR TALUK,
CHICKABALLAPURA DISTRICT-561208.
5. SMT. NAGAVENI
W/O. NARASIMHA MURTHY,
AGED ABOUT 29 YEARS,
RESIDENT OF IDAGUR VILLAGE,

Digitally
signed by
HEMALATHA
J
Location:
HIGH COURT
OF
KARNATAKA



GOWRIBIDANUR TALUK,
CHICKABALLAPURA DISTRICT-561208.

...PETITIONERS

(BY SRI. RAJENDRA K.R., ADVOCATE)

AND:

STATE BY GOWRIBIDANUR TOWN POLICE STATION
GOWRIBIDANUR,
CHICKABALLAPUR DISTRICT,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
ADVOCATE GENERAL'S OFFICE,
HIGH COURT BUILDING,
BENGALURU-560001

...RESPONDENT

(BY SRI. M.R.PATIL, HIGH COURT GOVERNMENT PLEADER)

THIS CRL.P IS FILED UNDER SECTION 482 OF THE CODE OF
CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE FIR AND
CHARGE SHEET FILED AGAINST THE PETITIONERS IN CRIME
NO.5/2017 IN C.C.NO.52/2018 FOR THE OFFENCE PUNISHABLE
UNDER SECTION 420, 120-B OF IPC PENDING ON THE FILE OF THE
PRINCIPAL CIVIL JUDGE AND JMFC AT GOWRIBIDANURU.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ



ORAL ORDER

The petitioners have challenged the criminal proceedings launched against them by the respondent No.1 in C.C No.52/2018 pending trial before the Principal Civil Judge and JMFC at Gowribidanur for offences punishable under Sections 420 and 120B of IPC.

2(i). Briefly put, the case of the complainant was that, she was the owner of a land bearing No.50/3 measuring 3 acres situated at Somasettihalli, Hosur Hobli, Gowribidanur, which was gifted to her by her parents. She claimed that she did not have children and that her husband had passed away. She was 80 years old and was suffering from vision and hearing ailments. She claimed that she was eking out a living on the old age pension granted by the State Government. When things stood thus, she alleged that the accused No.1 represented that the old age pension was discontinued and for renewal of the same, she had to go to Gowribidanur. Accordingly, on 18.01.2017 she went to Gowribidanur along with the accused No.1 and accused No.2 also accompanied him. At the Taluk office, the photographs of the complainant and the accused No.2 was taken and the thumb impressions of the complainant



was also taken on some documents. After she returned back, she suspected accused No.1 and informed the same to her brother-in-law's son, who thereafter enquired and found that a sale deed was brought about by the accused No.1 in the name of the accused No.2. She therefore alleged that the accused No.1 with the intention to grab her property had brought about an illegal sale deed and thereby had cheated her.

(ii). Based on this, the respondent No.1 registered Crime No.5/2017 for an offences punishable under Sections 420 and 120B of IPC. After investigation, a charge sheet was filed for the aforesaid offences, where it was mentioned that the accused No.2 purportedly claimed that he paid a sum of Rs.4,00,000/- on 15.04.2016 and a sum of Rs.4,00,000/- on 14.10.2016 and a sum of Rs.1,85,000/- by a cheque. The Investigating Officer after securing the records from the bank found that the cheque was never drawn and the amount was never paid to the complainant. The trial Court after perusing the material placed along with the charge sheet took cognizance of the offences and issued process. The petitioners being aggrieved by the same are before this Court.



3(i). The learned counsel for the petitioners submitted that the complainant has given a criminal colour to an otherwise civil dispute and has thereby abused the process of law and Court and hence, the prosecution of the petitioners is liable to be halted. They also contend that the complainant has already filed a civil suit in O.S No.15/2017 for setting aside the sale deed and for direction to the accused No.2 to execute a sale deed in respect of the suit property. He therefore contends that continuation of the criminal proceedings against the petitioners would be an abuse of the process of law and Court and hence, the same is liable to be quashed.

(ii). He further contends that the complainant is in the habit of bringing about such transactions and thereafter disowning them and the case on hand is one such instance and hence, the impugned prosecution is liable to be halted. He also contends that a sum of Rs.9,85,000/- is already paid to the complainant and that she is denying the same only to draw benefit taking advantage of her old age. He therefore contends that the prosecution of the petitioners being abusive deserves to be quashed.



4(i). The learned Additional State Public Prosecutor for the respondent, after perusing the material on record submitted that the complainant was 80 years old and she had none to depend on. He contends that the complainant had stated that the accused No.1 had represented that the old age pension granted by the State Government to the complainant was discontinued and that he would take steps for getting it renewed. In that regard, the accused No.1 took the complainant to the Taluk office along with his mother-accused No.2, where he obtained a sale deed.

(ii). He further contends that in the sale deed, there is a reference about the accused No. 2 paying a sum of Rs.9,85,000/- of which a sum of Rs.4,00,000/- was paid on 15.04.2016 and a sum of Rs.4,00,000/- was paid on 14.10.2016. However, a sum of Rs.1,85,000/- allegedly paid in terms of a cheque was in fact not drawn by the complainant. He therefore submits that there is nothing to show that a sum of Rs.9,85,000/- was ever paid to the complainant. He thus contends that the question, whether the accused were innocent of the allegations made by the complainant or not, is a matter



of trial and therefore, this Court may not exercise jurisdiction under Section 482 of Cr.P.C.

5. I have considered submissions of learned counsel for the petitioner and learned Additional State Public Prosecutor for the respondent.

6. A perusal of the information furnished by the complainant to the respondent shows that the complainant claimed that she was made to believe by the accused No. 1 that the old age pension sanctioned by the State Government was discontinued and for renewal of the same, she had to go to Taluk Office at Gowribidanur. She alleged that she was taken to the Taluk Office by the accused No.1 where a document was brought about in the name of the accused No.2 by which the property that belonged to the complainant was transferred to the accused No.2. She claimed that she did not receive any money from the accused and that she was cheated by the accused No.1, who is an advocate.

7. The Investigating Officer after conducting an investigation found that a sum of Rs.1,85,000/- which was allegedly paid to the complainant in terms of a cheque was not even drawn. Therefore, the Investigating Officer was of the



opinion that the complainant had made out a case for filing a charge sheet and accordingly, a charge sheet was filed for the offences punishable under Sections 420 and 120B of IPC. After perusing the charge sheet along with the other materials, this Court is of the opinion that the petitioners cannot be given a clean chit in a proceeding under Section 482 of Cr.P.C. The materials along with the charge sheet, give an impression that the petitioners were complicit in commission of offences punishable under Sections 420 and 120B of IPC.

8. In that view of the matter, it is not prudent for this Court to exercise power under Section 482 of Cr.P.C to set at naught the prosecution. Accordingly, this petition is ***dismissed***. However, liberty is reserved to the petitioners to file appropriate application before the trial Court seeking their discharge. If such an application is filed, trial Court shall consider the same in accordance with law without being influenced by any adverse observations made by this Court in the course of this order.

**Sd/-
(R. NATARAJ)
JUDGE**