



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 15578 OF 2021 (GM-RES)

BETWEEN:

1. K.V. LEELA
W/O LATE K DEVDAS,
AGED ABOUT 54 YEARS,
R/AT GONIKOPPALA TOWN,
GONIKOPPALA KODAGU
KARNATAKA-571213.
2. D. VISHWANATH
S/O LATE DEVADAS,
AGED ABOUT 38 YEARS,
R/AT GONIKOPPALA TOWN,
GONIKOPPALA KODAGU,
KARNATAKA-571213.
3. G.K.ARJUNA
S/O GANGADHARAN
AGED ABOUT 54 YEARS,
R/AT AJIDABAVAN,
ALAMANNURU POST,
PUDANGARA, ADURU TALUK
PATHANAMTHITTA,
KERALA-686 510.



...PETITIONERS

(BY SRI. SACHIN B.S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
PONNAMPET POLICE STATION-571 216
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-570001.



2. K.K.SEETHA
W/O LATE K.S.MANI,
AGED ABOUT 58 YEARS,
R/AT RAYARANGOT
CHORODE AMSAM,
KOZHIKODE, KOZHIKODE RURAL
KERALA-673 574.

...RESPONDENTS

(BY SRI. M.R.PATIL, HIGH COURT GOVERNMENT PLEADER FOR
RESPONDENT NO.1;

SRI. RANJAN KUMAR K., ADVOCATE FOR RESPONDENT NO.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE
CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH ENTIRE
PROCEEDINGS IN C.C.NO.114 OF 2015 ON THE FILE OF THE CIVIL
JUDGE (JN.DN) AND JMFC, PONNAMPET REGISTERED FOR THE
OFFENCE PUNISHABLE UNDER SECTION 109, 120(B), 465, 467, 468,
471, 472 R/W 34 OF IPC AS PER ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN
'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have challenged the prosecution launched
against them by the respondent No.1 in C.C.No.114/2015 on
the file of the Civil Judge (Jr. Dvn.) and JMFC, Ponnampet, for
the offences punishable under Sections 109, 120B, 465, 467,
468, 471, 472 read with Section 34 of IPC.



2. (i) Briefly stated, the facts that can be gathered from the petition are that the respondent No.2 informed the Deputy Superintendent of Police, Virajpet, on 17.02.2012 that three persons namely, her husband, Mr. K. Devadas and Mr. P.K. Govindan Nambiar had jointly purchased 55 cents of land in Sy.No.203/7 of Aruvathoklu Village in terms of a sale deed dated 28.12.1990. Her husband died on 08.01.1994. Later, she, the said K. Devadas and P.K. Govindan Nambiar together sold 30 cents in favour of one Malachira Gowramma in terms of a sale deed dated 21.04.1997. The balance 25 cents of land was remaining, where K. Devadas was residing in a portion. On the same day i.e., on 21.04.1997, P.K. Govindan Nambiar executed a power of attorney in favour respondent No.2, which was duly registered, whereby she was authorized to sell and convey 8.5 cents in Sy.No.203/7. She claimed that she thus became the owner of 16.5 cents of the remaining area, while K. Devadas was the owner of 8.5 cents of land. She claimed that on 08.01.2012, she and her relative went to the spot and met the accused No.2/petitioner No.1 and her husband K. Devadas and told them that she intends to sell her 16.5 cents to meet the expenses of the marriage of her



daughter. However, K. Devadas and the accused No.2/petitioner No.1 claimed that the respondent No.2 did not have any share in the land. She therefore, grew suspicious and met an advocate to dig out documents. She thereafter, found that a false document was fabricated, which seemed as if a sale deed was executed in favour of the accused No.2/petitioner No.1 by her husband K. Devadas, respondent No.2 and P.K. Govindan Nambiar. She alleged that she had not signed the sale deed and the signatures found on the sale deed was forged. She also claimed that P.K. Govindan Nambiar did not execute the sale deed as he had already executed a power of attorney in her favour in respect of 8.5 cents. She thus, alleged that the accused had conspired to bring about a fabricated document i.e., sale deed dated 26.02.2002.

(ii) Based on this, the respondent No.1 registered Crime No.31/2012 for the offences punishable under Sections 109, 120B, 465, 467, 468, 471, 472 of IPC. After investigation and collecting all material documents and recording the statements of relevant witnesses, a charge-sheet was filed for the offences punishable under Sections 109, 120B, 465, 467,



468, 471, 472 read with Section 34 of IPC. The Trial Court took cognizance and issued process.

(iii) The petitioners being accused Nos.2, 3 and 4, aggrieved by the charge sheet as well as the order issuing process have filed this petition.

3. Learned counsel for the petitioners contended that the petitioners are innocent in as much as the sale deed was executed in favour of the accused No.2/petitioner No.1 by K. Devadas, respondent No.2 and P.K. Govindan Nambiar. He therefore, submits that the charge sheet filed against the petitioner No.1 is without any basis as the case had all the trappings of a civil dispute. Further, he contends that petitioner Nos.2 and 3 were attesting witnesses to the sale deed dated 26.02.2002. Therefore, they had no role to play in the alleged crime and hence, the charge sheet filed against them and further criminal proceedings be set at nought. He also contends that accused No.1 died in the year 2014 itself. Nonetheless, charge sheet was filed against accused No.1, which only indicates that the police have not applied their mind and have not conducted a proper investigation. He also contended that



the Trial Court, while taking cognizance of the offences, has not considered the above and also about the complicity of the petitioners in the alleged crime. He also contends that the respondent No.2 has not initiated any civil proceedings in respect of her claim in the property in question, which establishes that she had filed a false complaint against the petitioners.

4. Per contra, the learned counsel for the respondent No.2 submitted that the respondent No.2 claimed that she had not signed the document i.e., sale deed dated 26.02.2002 and the signature as well as the thumb impression found on the sale deed dated 26.02.2002 was forged. He contends that the Investigating Officer after securing the necessary forensic report had filed a charge sheet, which is just and proper. He contends that the accused No.3 is the son of the accused No.2 and therefore his role in the crime also has to be sorted out in the trial and not in a petition under Section 482 of Cr.P.C. As regards accused No.4, he contends that the accused No.4 is also a witness to the sale deed and his role is yet to be established at the trial and not in a petition under Section 482 of Cr.P.C.



5. The learned High Court Government Pleader reiterated the submission of the learned counsel for respondent No.2 and submitted that the charge sheet is already filed and therefore, it is not proper for this Court to exercise jurisdiction under Section 482 of Cr.P.C.

6. I have considered the submissions of the learned counsel for the petitioners as well as the learned counsel for the respondent No.2 and the learned High Court Government Pleader for respondent No.1.

7. A perusal of the information furnished by the respondent No.2 to respondent No.1 shows that she categorically stated that she had not signed the sale deed dated 26.02.2002 executed in favour of the accused No.2 and attested by the accused Nos.3 and 4. She also specifically stated that the signature found on the sale deed dated 26.02.2002 and the thumb impression are forged. The Investigating Officer after investigating the offences, has come to the conclusion that the cognizable offences are made out and they have filed the charge sheet for the offences. Besides this, CW12 is the handwriting expert, who has also given a



statement which indicates that the signature found on the sale deed dated 26.02.2002 do not correspond with the signatures of the respondent No.2. Therefore, it is not prudent to set at nought the prosecution against the accused No.2.

8. As regards the role of the accused Nos.3 and 4, it is yet to be ascertained whether accused Nos.3 and 4 were set up by the accused Nos.1 and 2 and whether they attested the document knowing it to be fraudulent or fabricated. In that view of the matter, as rightly contended by the learned counsel for the respondent No.2, it is not a case where this Court shall exercise jurisdiction under Section 482 of Cr.P.C. to set at nought the prosecution. This apart, it is stated at the bar by the learned counsel for the respondent No.2 that the trial in the case has already begun. Therefore, except issuing a direction to the Trial Court to conclude the trial as early as possible, at any rate, within a period of one year from the date of receipt of a copy of this Order, no other reliefs can be granted to the petitioners.

9. In view of the above, this petition lacks merit and is ***dismissed.***



10. The Trial Court is directed to conclude the trial as early as possible, at any rate, within a period of one year from the date of receipt of a copy of this Order. All contentions are kept open.

Sd/-
(R. NATARAJ)
JUDGE

PMR
List No.: 1 Sl No.: 48