



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. 2081 OF 2019

BETWEEN:

1. B.C. SURESH
S/O LATE CHIKKASIDDAIAH,
55 YEARS,
HALEBOODANOOR VILLAGE-571404
(MANDYA DISTRICT)
2. B.S. SIDDAPPA
S/O LATE SIDDARAMA,
53 YEARS,
HALEBOODANOOR VILLAGE-571404
(MANDYA DISTRICT)

...PETITIONERS

(BY SRI. S.G. BHAGAVAN, ADVOCATE)

AND:

SUMITHRA
W/O LATE MADAPPA,
53 YEARS,
HALEBOODANOOR VILLAGE-571404
KASABA HOBLI
(MANDYA DISTRICT).

...RESPONDENT

(BY SRI. PARAMESHWARAPPA C., ADVOCATE)

THIS CRL.P IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.100/2019 INCLUDING THE ORDER DATED 14.01.2019 PENDING IN THE COURT OF THE JMFC, MANDYA FOR





THE OFFENCES U/S 419, 420 OF IPC, IN SO FAR AS THE PETITIONERS ARE CONCERNED.

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 order dated 14.01.2019 passed in C.C No.100/2019 pending trial before the Court of J.M.F.C, Mandya taking cognizance of offences punishable under Sections 419 and 420 of IPC

2. (i). The respondent had filed PCR No.110/2009 before the J.M.F.C Court at Mandya alleging that the accused No.1 is her brother-in-law while accused No. 2 and 3 are the friends of the accused No.1. She claimed that the accused No.1 was looking after the lands belonging to her and that he was liable to pay a sum of Rs.5,00,000/-. She claimed that despite persistent demands to pay a sum of Rs.5,00,000/-, the accused No.1 was evading her. Later, he brought about a sale deed dated 16.05.2003, which was registered in the office of the Sub Registrar in respect of property measuring 60 x 26 feet formed



in Sy.No.150/11 measuring 0.06 1/2 guntas of Halebudanuru Village in the name of the complainant. The complainant claimed that she did not affix her signatures on the said document and did not visit the office of the Sub-Registrar.

(ii). She further claimed that despite the execution of such a sale deed, the accused No.1 continued to be in possession of the said property. He thereafter brought about a sale deed in respect of the very same property in the name of his wife on 06.11.2004. She claimed that she did not visit the office of the Sub Registrar to execute such a sale deed. She therefore alleged that the accused had committed offences punishable under Sections 415 and 420 of IPC as the accused with an intent to defraud her of a sum of Rs.5,00,000/- brought about various illegal sale deeds and had thereafter disposed of the properties that was subject matter of the sale deeds. The trial Court after recording the sworn statement of the complainant, took cognizance of the offences punishable under Sections 419 and 420 of IPC and issued process to the accused. Being aggrieved by the same, the petitioners are before this Court.



3. The learned counsel for the petitioners submitted that the trial Court committed an error in taking cognizance of an offences under Sections 419 and 420 of IPC, more particularly, when there is no allegation regarding entrustment of the property of the complainant to the accused No.1. He submits that the trial Court therefore misdirected itself in taking cognizance of the said offences. This apart, he submits that the complainant has filed O.S No.41/2010 for recovery of a sum of Rs.5,00,000/- and that the said suit was decreed against which an appeal is pending consideration before the Appellate Court. He therefore submits that, until the appeal is disposed of, the impugned order passed by the trial Court taking cognizance of offences punishable under Sections 419 and 420 of the IPC be kept in abeyance.

4. There is no representation for the respondent, therefore, this Court did not have the benefit of his submissions.

5. A perusal of a private complaint would indicate that the complainant had entrusted the land belonging to her for maintenance by the accused No.1. It is alleged that the



accused No.1 was utilising the income generated from the land and was bound to pay a sum of Rs.5,00,000/- to the complainant. When she asked accused No.1 to return the sum of Rs.5,00,000/-, he brought about a sale deed dated 16.05.2003 purportedly in her name in respect of a land measuring 60x26 feet out of 0.06 1/2 guntas in Sy.No.150/11 of Haebudanuru Village. The complainant claimed that she never appeared before the Sub Registrar and did not affix her signatures on any document. She claimed that notwithstanding the execution of the sale deed, the accused No.1 continued to be in possession. However, she claimed that the accused No.1 managed to get the name of the complainant entered in the Panchayat records.

6. Thereafter, on 06.11.2004, the accused again created another sale deed to seem as if the complainant had executed a sale deed in favour of the wife of the accused No.1. The complainant claimed that she did not appear before the Sub Registrar and did not affix her signature on the sale deed dated 06.11.2004. She also alleged that she did not receive any money which was mentioned in the sale deed dated 06.11.2004. The trial Court after recording the sworn



statement of the complainant, has felt it appropriate to take cognizance of an offences punishable under Sections 419 and 420 of IPC.

7. The contention of the learned counsel for the petitioner that there was no entrustment of the property, is belied since the complainant specifically claimed that she had entrusted the property belonging to her for maintenance by the accused No.1 and that the accused No.1 was bound to pay a sum of Rs.5,00,000/-. Therefore, at this stage, there is ample material to show that there was some entrustment of the property by the complainant to the accused No.1.

8. As regards an offence under Section 419 of IPC, it appears that the accused No.1 in order to cheat the complainant had brought about certain unconscionable sale deeds to seem as if those sale deeds were executed to liquidate the liability of the complainant.

9. In that view of the matter, there is no error committed by the trial Court in taking cognizance of the aforesaid offences. Hence, the petition lacks merit and is ***dismissed***. However, if the issuance of process by the



NC: 2026:KHC:16986
CRL.P No. 2081 of 2019

learned Magistrate is challenged by the petitioners No.2 and 3
and if the revision petition is allowed by the Sessions Court, the
petitioners No.2 and 3 are entitled to the benefit of said order.

Sd/-
(R. NATARAJ)
JUDGE

UN
List No.: 1 SI No.: 25