



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO. 6311 OF 2024 (482(Cr.PC) / 528(BNSS))

BETWEEN:

SRI B K SANJAY KRISHNAMURTHY
S/O LATE B R KRISHNAMURTHY,
AGED ABOUT 49 YEARS,
NO 32, 1ST FLOOR, 10TH C MAIN,
1ST BLOCK, JAYANAGAR,
BENGALURU - 560 011.

...PETITIONER

(BY SRI. A. RAVISHANKAR, ADV. FOR SRI. BIJOY.K, ADV.)

AND:

1. THE STATE OF KARNATAKA BY
SIDDAPURA POLICE
REPRESENTED BY
LEARNED STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

2. SRI PRADOSH P HATTIKUDUR
S/O LATE SRI H PRAMOD KUMAR,
AGED ABOUT 40 YEARS,
R/AT NO 3386, 5TH CROSS,
GAYATHRI NAGARA,
BENGALURU - 560 021.

...RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP FOR R-1
SRI. H.K. SREEVASTHA, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE
FIR REGISTERED AGAINST THE PETITIONER IN CR.NO.224/2023 BY
SIDDAPURA POLICE, BENGALURU CITY (RESPONDENT NO.1), FOR THE
OFFENCE P/SU/ 406,419,420,465,468,471 OF IPC CURRENTLY PENDING
BEFORE THE 4th ACMM BENGALURU CITY, BENGALURU. THE QUASHING

Digitally
signed by
CHANDANA
B M
Location:
High Court of
Karnataka



IS SOUGHT ON GROUNDS THAT THE FIR IS BASELESS, DRIVEN BY MALICIOUS INTENT AND CONSTITUTES AN ABUSE OF THE LEGAL PROCESS, THEREBY WARRANTING INTERVENTION.

THIS PETITION IS BEING HEARD AND RESERVED ON 16.07.2025 COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CAV ORDER

This petition by the sole accused seeks quashing of the impugned FIR and complaint registered by the 1st respondent - Police as Crime No.224/2023 dated 28.08.2023, pursuant to the complaint given by the 2nd respondent - *de facto* complainant for alleged offences punishable under Sections 406, 419, 420, 465, 468 and 471 IPC and for other reliefs.

2. The material on record discloses that the 2nd respondent - *de facto* complainant filed the aforesaid complaint against the petitioner, who is a lawyer by profession *inter alia* alleging that the petitioner was guilty of the aforesaid offences. It was alleged that the 2nd respondent approached the petitioner in relation to filing a suit before the City Civil Court and in that context, the petitioner is alleged to have collected a sum of Rs.9,37,000/- towards court fee by way of 5 installments during the period 2014-2016 and a sum of Rs.1,25,000/- towards the professional fee of the petitioner. It was



further alleged that despite several requests, the petitioner did not furnish details of the cases to the 2nd respondent, who came to know about the same only in the year 2017 and upon enquiries, the 2nd respondent learnt that the petitioner had forged the signatures of the 2nd respondent and instituted two suits in O.S.No.2358/2016 and O.S.No.2537/2017 against the 2nd respondent's sister Smt.Dhanashree and others. It was also alleged that despite having collected the aforesaid sums from the 2nd respondent towards court fee, petitioner had paid only Rs.225/- towards court fee in relation to the said suits and that the petitioner was guilty of fraud, breach of trust, cheating, impersonation and extortion of money from the 2nd respondent. Based on the aforesaid complaint, the 1st respondent - police authorities having registered the impugned FIR, petitioner is before this Court by way of the present petition.

3. Heard learned counsel for the petitioner and learned HCGP for the 1st respondent - State and learned counsel for 2nd respondent and perused the material on record.

4. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel



for the petitioner submitted that the impugned FIR and complaint do not disclose the commission of the alleged offences by the petitioner and necessary ingredients in this regard are not forthcoming and the same deserves to be quashed. It was submitted that as long back as in the year 2017 itself, the 2nd respondent had initiated proceedings against the petitioner before the City Civil Court, Karnataka State Bar Council etc., and the impugned complaint is nothing but an afterthought and not maintainable due to long, unexplained and inordinate delay and latches on the part of the 2nd respondent, who seeks to give a criminal colour to an essentially civil dispute, which is impermissible in law and the same deserves to be quashed.

5. Per contra, learned counsel for the 2nd respondent submits that there is no merit in the petition and that the same is liable to be dismissed and placed reliance upon the judgment of the Apex Court in the case of ***Punit Beriwal vs. State of NCT of Delhi and others - (2025) INSC 582.***

6. I have given my anxious consideration to the rival submissions and perused the material on record.



7. Before advertng to the rival submissions, it would be necessary to refer to the impugned complaint, which reads as under:-

*To,
Police Inspector
Siddapura Police Station.
Bengaluru.*

*From,
Sri. Pradohs.P. Hattikudur,
S/o. Late. Sri. H. Pramod Kumar
Aged about 40 years
R/at. No.3386, 5th Cross, Gayathri Nagar
Bengaluru - 560 021.
Mob No. 9845631041.*

*Sir,

Subject: Regarding Cheating extortion of money and
Forging of Signatures for filing false cases against Sri. K.
Sanjay Krishnamurthy.*

I Pradosh P Hattikudur and authotized on behalf of Smt. Deepashree and Sri. Pranav , I am residing in aforesaid address and I would like to inform you that in this regard I approached one advocate by name Sri. B.K.Sanjay Krishnamurthy who was referred from a known source to seek advise. The dispute was with respect to the property which we were all residing together. My sister Smt.Dhanashree had played fraud by getting a Gift Deed executing in her favour from my father late Sri. H. Pramod Kumar with respect to our dwelling house. Hence my mother Smt. Deepashree and my brother Sri. Pranav asked me to initiate appropriate legal proceedings to safe guard the property and all our rights.

I would like to inform you that I was advised by the aforesaid advocate that we need to file a suit for portion before the City Civil Court and accordingly he drafted a suit for partition and asked to me to



execute the signature on the said paper. He also informed me he will be filing an application for Injunction in the said suit. Further he informed me that the Court fee for the said suit would be around 3.3% of the property value. The value of the property and along with the building was arrived by my advocate i.e., B.K.Sanjay Krishnamurthy and I was asked to pay Rs.9,37,000/-(Rupees Nine Lakh Thirty Seven Thousand Only) as court fee and he also asked me to pay Rs. 1,25,000/-(Rupees One Lakh Twenty Five Thousand Only) as professional fee initially. Believing his words to be true I believed him completely and also expressed him that I may take some time to file case as since I was not having so much funds, immediately. However my advocate informed me that he would help him getting Court fee paid and also made me to believe the Court will grant time to pay the fees in instalment, since he would be undertaking on my behalf. I believed him completely and to fulfil this. I requested my mother and my brother to assist me financially in paying the Court fee and accordingly a sum of Rs.9,37,000/- (Rupees Nine Lakh Thirty Seven Thousand Only) towards court fee in the following manner.

a) Rs.3,00,000/- on 01.11.2014 -Paid from the account of Pranav and Deepashree.

b) Rs.1,50,000/- on 17.04.2014 -Paid from the account of Pranav and Deepashree.

c) Rs.1,75,000/- on 17.09.2016 -Paid from the account of Pranav and Deepashree.

d) Rs.1,00,000/- on 02.11.2015 -Paid from the account of Pranav and Deepashree.

e) Rs.2,12,000/- on 25.04.2016 -Paid from the account of Pranav and Anjana..

In addition to this, we also paid, a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) towards his professional fee.

I was informed that a suit for partition has been filed, however no details of the case was furnished to me despite of several request.



In the year 2017 I checked online and came to know that several cases were filed in my name and which was not in my knowledge at all. Immediately I contacted my advocate and asked him how so many cases have been filed, there was no proper justification given by him. Hence I myself went to the court premises with the help of the enquiry centre applied for Certified Copies of all cases and to my shock I found that all my signatures were forged and it was the above same advocate Sri. B.K. Sanjay Krishnamurthy who had filed these false cases. It also came to my knowledge that a suit for partition was never filed against my sister B.K. Sanjay Krishnamurthy. I was made to believe that a suit for partition was already filed in the year 2015. The list of the cases filed in our names by forging our signatures are as follows:

- a) O.S.No.2358/2016 (Pradosh P Hattikudur v/s Dhanashree & others, before City Civil & Sessions Judge @ CCH-53)*
- b) O.S.2537/2017 (Pranav Hattikudur v/s P. Dhanashree & Others, before City Civil & Sessions Judge @ CCH-20)*

Further upon consulting many other advocates I came to know that the court fee to be paid for Partition Suit is Rs. 200/- and Rs. 25/- for injunction suit. I was shocked and taken back since I trusted my advocate completely, since he was referred from a known source.

I realized that I was cheated and thereafter I immediately confronted the advocate Sri. B.K.Sanjya Krishnamurthy and asked him to repay the money that he had taken it as court fee. He started showing hostile atmosphere and asked me to take my files back and he was ready to give a NOC. All the above acts of Sri. B.K.Sanjay Krishnamurthy amounts to breach of trusts, cheating, impersonification and nothing short of extortion of money. The said B.K.Sanjay Krishnamurthy has played fraud on us and mislead us only with an intention to enrich himself illegally. In view of the same I request your good-self to investigate the same matter and initiate appropriate action against B.K.Sanjay Krishnamurthy and others and get my money back.

Thanking You,

Your's Faithfully
Sd/-
(Pradosh P. Hattikudur)



8. A perusal of the impugned complaint will indicate that the primary allegations made by the 2nd respondent against the petitioner are that he is alleged to have collected excess money towards court fee and forged the signatures of the 2nd respondent for the purpose of filing suits in O.S.No.2358/2016 and O.S.No.2537/2017 on behalf of the 2nd respondent (plaintiff in both the suits) without his knowledge; in this context, it is pertinent to note that these very allegations made in the impugned complaint by the 2nd respondent were also made in his application I.A.No.2 filed under Section 340 Cr.P.C. in the said O.S.No.2358/2016 and the said application was rejected by the City Civil Court vide order dated 11.10.2019; the said order rejecting I.A.No.2 filed by the 2nd respondent in O.S.No.2358/2016 has attained finality and become conclusive and binding upon the 2nd respondent.

9. So also, the 2nd respondent filed a complaint under Section 35 of the Advocates Act, 1961, before the Karnataka State Bar Council against the petitioner and others on 17.04.2018 and the said proceedings which are being contested by the petitioner are pending consideration; further, the 2nd respondent instituted a suit in O.S.No.2940/2018 against the petitioner and others on



19.04.2018 seeking recovery of alleged legal fees / professional fees said to have been collected by the petitioner and the said suit was contested and dismissed by the City Civil Court vide judgment and decree dated 21.09.2020 and an appeal in RFA No.1307/2021 preferred by the 2nd respondent is pending before this Court.

10. The aforesaid undisputed facts and circumstances and earlier civil and criminal proceedings clearly indicate that after exhausting all his or available remedies in law, the 2nd respondent has filed the impugned complaint belatedly on 28.08.2023 without offering any explanation as to the long and inordinate delay and laches on his part in filing the impugned complaint after more than 6 to 7 years, thereby leading to the sole / unmistakable inference / conclusion that the said delay is sufficient to vitiate the impugned complaint and FIR which deserve to be quashed.

11. In the case of ***Chanchalapathi Das vs. State of West Bengal and Another - 2023 SCC OnLine SC 650***, the Apex Court held as under:

"18. It cannot be gainsaid that the High Courts have power to quash the proceedings in exercise of powers under Section 482CrPC to prevent the abuse of process of any court or otherwise to secure the ends of justice.



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Though the powers under Section 482 should be sparingly exercised and with great caution, the said powers ought to be exercised if a clear case of abuse of process of law is made out by the accused. In State of Karnataka v. L. Muniswamy [State of Karnataka v. L. Muniswamy, (1977) 2 SCC 699 : 1977 SCC (Cri) 404] the Supreme Court had held that the criminal proceedings could be quashed by the High Court under Section 482 if the court is of the opinion that allowing the proceedings to continue would be an abuse of the process of the court or that the ends of justice require that the proceedings are to be quashed.

19. *This Court, way back in 1992 in the landmark decision State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , after considering relevant provisions more particularly Section 482CrPC and the principles of law enunciated by this Court relating to the exercise of extraordinary powers under Article 226, had laid down certain guidelines for the exercise of powers of quashing, which have been followed in umpteen number of cases. The relevant part thereof reads as under : (SCC pp. 378-79, para 102)*

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or



otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(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 Act concerned (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 Act concerned, 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."



20. In State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] this Court had observed that the court would be justified to quash the proceedings if it finds that initiation or continuance of such proceedings would amount to abuse of the process of court.

21. As regards inordinate delay in filing the complaint it has been recently observed by this Court in Hasmukhlal D. Vora v. State of T.N. [Hasmukhlal D. Vora v. State of T.N., (2022) 15 SCC 164 : (2024) 2 SCC (Cri) 632] that though inordinate delay in itself may not be a ground for quashing of a criminal complaint, however unexplained inordinate delay must be taken into consideration as a very crucial factor and ground for quashing a criminal complaint.

22. In the light of the aforestated legal position, if the facts of the case are appreciated, there remains no shadow of doubt that the complaint filed by the respondent complainant after an inordinate unexplained delay of eight years was nothing but sheer misuse and abuse of the process of law to settle personal scores with the appellants, and that continuation of such malicious prosecution would also be further abuse and misuse of process of law, more particularly when neither the allegations made in the complaint nor in the charge-sheet, disclose any prima facie case against the appellants. The allegations made against the appellants are so absurd and improbable that no prudent person can



ever reach to a conclusion that there is a sufficient ground for proceeding against the appellants-accused.

23. *Before parting, a few observations made by this Court with regard to the misuse and abuse of the process of law by filing false and frivolous proceedings in the courts need to be reproduced. In the Court in Dalip Singh v. State of U.P. [Dalip Singh v. State of U.P., (2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324] it was observed that : (SCC p. 116, para 1)*

“1. For many centuries Indian society cherished two basic values of life i.e. “satya” (truth) and “ahimsa” (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.”

24. *In Subrata Roy Sahara v. Union of India [Subrata Roy Sahara v. Union of India, (2014) 8 SCC 470 : (2014) 4 SCC (Civ) 424 : (2014) 3 SCC (Cri) 712] it was observed as under : (SCC p. 642, para 191)*



“191. The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved to deter litigants from their compulsive obsession towards senseless and ill-considered claims.”

25. We would like to add that just as bad coins drive out good coins from circulation, bad cases drive out good cases from being heard on time. Because of the proliferation of frivolous cases in the courts, the real and genuine cases have to take a backseat and are not being heard for years together. The party who initiates and continues a frivolous, irresponsible and senseless litigation or who abuses the process of the court must be saddled with exemplary cost, so that others may deter to follow such course. The matter should be viewed more seriously when people who claim themselves and project themselves to be the global spiritual leaders, engage themselves into such kind of frivolous litigations and use the court proceedings as a platform to settle their personal scores or to nurture their personal ego.

26. Having regard to the facts and circumstances of the present case and for the reasons stated hereinabove, we deem it appropriate to quash the criminal proceedings pending against the appellants in the Court of Chief Judicial Magistrate, Alipore, arising out of FIR No. 33 of 2009 registered at Ballygunge Police Station, and quash the same.”

12. As stated supra, in the instant case, a perusal of the impugned complaint will indicate that there is absolutely no



explanation offered by the 2nd respondent as regards the long and inordinate delay and latches in filing the complaint after about 6 to 7 years and consequently, the impugned complaint and FIR deserve to be quashed.

13. A perusal of the impugned complaint will indicate that though the complaint is filed on 28.08.2023, prior to which, the aforesaid allegations and claim made by the 2nd respondent in the civil and criminal proceedings initiated had been negated, the 2nd respondent has not stated anything as regards the said proceedings and steps taken by him to ventilate his grievances against the petitioner; it follows therefrom that the 2nd respondent is guilty of suppression of material facts and has intentionally and deliberately suppressed the aforesaid earlier proceedings in the impugned complaint with mala fide intention and oblique / ulterior motives, which is yet another circumstance that would vitiate the impugned complaint and FIR which deserve to be quashed on this ground also.

14. As stated supra, the allegations of cheating, forgery, impersonation etc., made in the impugned complaint undisputedly relate to incidents that are alleged to have occurred in the year



2016-17 and despite having an opportunity and being in a position to make these allegations in the earlier proceedings, the 2nd respondent did not do so and omitted to make the said allegations earlier, thereby indicating that the allegations made in the impugned complaint are nothing but an afterthought, particularly when the other persons, against whom the allegations were made in the earlier proceedings by the 2nd respondent have not been arraigned / named / included as accused persons in the impugned complaint and FIR and as such, the impugned complaint and FIR deserve to be quashed on this ground also.

15. A perusal of the material on record will indicate that after having exhausted all his earlier remedies before the City Civil Court, Bar Council etc., the 2nd respondent is attempting to convert an essentially, predominantly and overwhelmingly civil dispute by giving the same a criminal colour/ texture / flavour, which is impermissible in law as held by the Apex Court and this Court in various judgments.

16. In the case of ***Urmila Devi and Others vs. Balram and Another***; 2025 SCC OnLine SC 1574, the Apex Court held as under:



8.1. *At the outset, we may place reliance on the seminal judgment of this Court in the case of State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 (“Bhajan Lal”) with particular reference to paragraph ‘102’ therein and sub-paras 1, 3, 5 and 7, which read as under:*

“102. (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.

(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.

(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.

(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.”

8.2. *On perusal of the record, it is noted that based on the complaint filed by complainant-respondent No. 1, a complaint case No. 627/2002 was registered against the appellants under Sections 419, 420, 467, 468 and 471 of the IPC. For ease of reference, the aforesaid Sections are extracted as under:*

“419. Punishment for cheating by personation.-Whoever cheats by personation shall



be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

420. Cheating and dishonestly inducing delivery of property.- Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

XXX XXX XXX

467. Forgery of valuable security, will etc.- Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and also be liable to fine.

XXX XXX XXX

468. Forgery for purpose of cheating.- Whoever commits forgery, intending that the [document or electronic record forged] shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

XXX XXX XXX

471. Using as genuine a forged document or electronic record.- Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record."



8.3. Upon giving our thorough consideration to the arguments advanced at the bar, we fail to understand as to how the allegations against the appellants herein who are only legatees under the Will in question, could be sustained in light of the material on record.

8.4. The allegations against the accused-appellants, in sum and substance, are that they entered into a conspiracy with other individuals to fabricate a forged will after the death of the testator that was then used to circumvent the sale deed dated 25.04.1994.

8.5. Upon appreciating the facts and circumstances, we do not find that the offences aforementioned are made out in the present case. Neither do we find any criminal breach of trust nor do we find any cheating by impersonation. We also do not find any cheating and dishonestly inducing delivery of property. In these circumstances, we fail to see how it could be alleged that the accused-appellants cheated and dishonestly induced the complainant-respondent No. 1.

8.6. It is writ large on the face of the record that the complaint case has been employed as a circuitous tool to abuse the process of law, especially after the complainant-respondent No. 1 failed to pursue the remedies available to it. The chronology of events indicates that the criminal proceedings in the year 2001 were instituted only after approximately seven years of the mutation order dated 27.09.1994, four years after the ex-parte ad-interim order issued on 30.07.1997 and



three years after the rejection of the objections to the Mutation Order vide Order dated 09.01.1998.

8.7. *In this regard, our attention was drawn to paras 42-44 and 46 of Inder Mohan Goswami v. State of Uttaranchal, (2007) 12 SCC 1, dealing with Sections 420 and 467 IPC, which are extracted hereunder:*

“42. On a reading of the aforesaid section, it is manifest that in the definition there are two separate classes of acts which the person deceived may be induced to do. In the first class of acts he may be induced fraudulently or dishonestly to deliver property to any person. The second class of acts is the doing or omitting to do anything which the person deceived would not do or omit to do if he were not so deceived. In the first class of cases, the inducing must be fraudulent or dishonest. In the second class of acts, the inducing must be intentional but need not be fraudulent or dishonest. Therefore, it is the intention which is the gist of the offence. To hold a person guilty of cheating it is necessary to show that he had a fraudulent or dishonest intention at the time of making the promise. From his mere failure to subsequently keep a promise, one cannot presume that he all along had a culpable intention to break the promise from the beginning.

43. We shall now deal with the ingredients of Section 467 IPC. ...

44. The following ingredients are essential for commission of the offence under Section 467 IPC:



1. the document in question so forged;
2. the accused who forged it;
3. the document is one of the kinds enumerated in the
aforementioned section.

X X X

46. The court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. On analysis of the aforementioned cases, we are of the opinion that it is neither possible nor desirable to lay down an inflexible rule that would govern the exercise of inherent jurisdiction. Inherent jurisdiction of the High Courts under Section 482 CrPC though wide has to be exercised sparingly, carefully and with caution and only when it is justified by the tests specifically laid down in the statute itself and in the aforementioned cases. In view of the settled legal position, the impugned judgment cannot be sustained."

(underlining by us)

8.8. This Court, in *Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre*, (1988) 1 SCC 692, (*Madhavrao Jiwajirao Scindia*) reasoned that the criminal process cannot be utilized for any oblique purpose. This Court also observed that the court should quash those criminal cases where the chances of an ultimate conviction are bleak and no useful purpose is likely to be served by continuation of a criminal prosecution.



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8.9. *In R.K. Vijayasarathy, this Court held that while exercising powers under Section 482 of the Cr. P.C., a High Court can examine whether a matter which is essentially of a civil nature has been given a cloak of a criminal offence. Recently, in Vishal Noble Singh v. State of Uttar Pradesh, 2024 SCC OnLine SC 1680, this Court held that courts have to be vigilant to ensure that the machinery of criminal justice is not misused for achieving oblique motives and agendas. Tacitly endorsing such misuse only unnecessarily burdens the courts and the criminal justice system. In Anand Kumar Mohatta, this Court, whilst quashing the FIR and chargesheet therein, highlighted the following words of this Court in State of Karnataka v. L. Muniswamy, (1977) 2 SCC 699, that describe the fundamental principle for exercise of powers under Section 482 of the Cr. P.C.:*

“7. ... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice.”

(underlining by us)



9. On a careful consideration of the aforementioned judicial dicta, we find that none of the offences alleged against the accused-appellants herein are made out. The instant case is just another one in a string of cases filed in recent years that seek to disguise a civil dispute as criminal. The complaint case against the accused-appellants has been pending for over two decades and its continuation would not serve any purpose. The observations made by this Court in Madhavrao Jiwajirao Scindia inform our decision and the judgment of this Court in the case of Bhajan Lal and particularly sub-paragraphs 1, 3, 5 and 7 of paragraph 102 extracted above, squarely apply to the facts of this case. In our view, it is in the interest of justice that present proceedings be quashed."

17. In the case of **Anukul Singh vs. State of Uttar Pradesh and Another - 2025 SCC OnLine SC 2060**, the Apex Court held as under:

17. This Court has, in a long line of decisions, deprecated the tendency to convert civil disputes into criminal proceedings. In Indian Oil Corporation v. NEPC India Ltd.; (2006) 6 SCC 736, it was held that criminal law cannot be used as a tool to settle scores in commercial or contractual matters, and that such misuse amounts to abuse of process. The following paragraphs from the decision are apposite:



“9. The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused. For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the



complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not.

10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying



pressure though criminal prosecution should be deprecated and discouraged.”

18. *Similarly, in Inder Mohan Goswami v. State of Uttaranchal; (2007) 12 SCC 1, it was emphasized that criminal prosecution must not be permitted as an instrument of harassment or private vendetta. In Ganga Dhar Kalita v. State of Assam; (2015) 9 SCC 647, this Court again reiterated that criminal complaints in respect of property disputes of civil nature, filed solely to harass the accused or to exert pressure in civil litigation, constitute an abuse of process.*

19. *Most recently, in Shailesh Kumar Singh @ Shailesh R. Singh v. State of Uttar Pradesh; Criminal Appeal No. 2963/2025 decided on 14.07.2025 : 2025 INSC 869, this Court disapproved the practice of using criminal proceedings as a substitute for civil remedies, observing that money recovery cannot be enforced through criminal prosecution where the dispute is essentially civil. The Court cautioned High Courts not to direct settlements in such matters but to apply the settled principles in Bhajan Lal. The following paragraphs are relevant in this context:*

“9. What we have been able to understand is that there is an oral agreement between the parties. The Respondent No. 4 might have parted with some money in accordance with the oral agreement and it may be that the appellant -



herein owes a particular amount to be paid to the Respondent No. 4. However, the question is whether prima facie any offence of cheating could be said to have been committed by the appellant.

10. How many times the High Courts are to be reminded that to constitute an offence of cheating, there has to be something more than prima facie on record to indicate that the intention of the accused was to cheat the complainant right from the inception. The plain reading of the FIR does not disclose any element of criminality.

11. The entire case is squarely covered by a recent pronouncement of this Court in the case of "Delhi Race Club (1940) Limited v. State of Uttar Pradesh", (2024) 10 SCC 690. In the said decision, the entire law as to what constitutes cheating and criminal breach of trust respectively has been exhaustively explained. It appears that this very decision was relied upon by the learned counsel appearing for the petitioner before the High Court. However, instead of looking into the matter on its own merits, the High Court thought fit to direct the petitioner to go for mediation and that too by making payment of Rs. 25,00,000/- to the 4th respondent as a condition precedent. We fail to understand why the High Court should undertake such exercise. The High Court may either allow the petition saying that no offence is disclosed or may reject the petition saying that no case for quashing is made out. Why should the High Court make an attempt to help the complainant to recover the amount due and



payable by the accused. It is for the Civil Court or Commercial Court as the case may be to look into in a suit that may be filed for recovery of money or in any other proceedings, be it under the Arbitration Act, 1996 or under the provisions of the IB Code, 2016.

12. Why the High Court was not able to understand that the entire dispute between the parties is of a civil nature.

13. We also enquired with the learned counsel appearing for the Respondent No. 4 whether his client has filed any civil suit or has initiated any other proceedings for recovery of the money. It appears that no civil suit has been filed for recovery of money till this date. Money cannot be recovered, more particularly, in a civil dispute between the parties by filing a First Information Report and seeking the help of the Police. This amounts to abuse of the process of law.

14. We could have said many things but we refrain from observing anything further. If the Respondent No. 4 has to recover a particular amount, he may file a civil suit or seek any other appropriate remedy available to him in law. He cannot be permitted to take recourse of criminal proceedings.

15. We are quite disturbed by the manner in which the High Court has passed the impugned order. The High Court first directed the appellant to pay Rs. 25,00,000/- to the Respondent No. 4 and thereafter directed him to appear before the



Mediation and Conciliation Centre for the purpose of settlement. That's not what is expected of a High Court to do in a Writ Petition filed under Article 226 of the Constitution or a miscellaneous application filed under Section 482 of the Criminal Procedure Code, 1973 for quashing of FIR or any other criminal proceedings. What is expected of the High Court is to look into the averments and the allegations levelled in the FIR along with the other material on record, if any. The High Court seems to have forgotten the well-settled principles as enunciated in the decision of this Court in the "State of Haryana v. Bhajan Lal", 1992 Supp (1) SCC 335"

20. Applying the above principles to the facts of the present case, it is manifest that the dispute - concerning repayment of loan money and the alleged coercion in execution of documents - is purely civil in character. The essential ingredients of cheating or forgery are not prima facie made out. The institution of multiple FIRs in quick succession, particularly after the appellant had already initiated lawful proceedings, reinforces the inference of mala fides.

*21. The High Court, in refusing to quash the proceedings, misdirected itself in law by failing to apply the ratio laid down in **Bhajan Lal**, and the subsequent authorities referred to above, which uniformly hold that the machinery of criminal law*



cannot be permitted to be misused for settling civil disputes or to wreak vengeance."

18. In fact, in ***Urmila Devi's case supra***, the Apex Court quashed the complaint and FIR on the ground of delay also. Under these circumstances, I am of the considered opinion that the 2nd respondent is clearly attempting to convert a civil dispute into a criminal case by way of the impugned complaint and FIR, which deserve to be quashed on this ground also.

19. A perusal of the impugned complaint will indicate that the 2nd respondent alleges the offences of both criminal breach of trust and cheating, which cannot co-exist with each other as held by the Apex Court in the case of ***Delhi Race Club (1940) Limited v. State of Uttar Pradesh - (2024) 10 SCC 690*** followed by ***Arshad Neyaz Khan vs. State of Jharkhand and Another - 2025 SCC OnLine SC 2058***.

20. In ***Arshad Neyaz Khan 's case supra***, the Apex Court held as under:

"16. The contents of the complaint as well as the FIR would have to be read in light of the ingredients of Sections 406 and 420 IPC and the law settled by this Court through various judicial dicta. On perusal of the



complaint dated 29.01.2021, it is noted that the complainant/respondent No. 2 has filed the said complaint invoking Sections 406, 420 and 120B IPC. For ease of reference, the aforesaid Sections are extracted as under:

“406. Punishment for criminal breach of trust.— Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

xxx

420. Cheating and dishonestly inducing delivery of property.- Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

xxx

120B. Punishment of criminal conspiracy.-
(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.”

17. In *Inder Mohan Goswami v. State of Uttaranchal*, (2007) 12 SCC 1 (“*Inder Mohan Goswami*”),



while dealing with Section 420 IPC, this Court observed thus:

“42. On a reading of the aforesaid section, it is manifest that in the definition there are two separate classes of acts which the person deceived may be induced to do. In the first class of acts he may be induced fraudulently or dishonestly to deliver property to any person. The second class of acts is the doing or omitting to do anything which the person deceived would not do or omit to do if he were not so deceived. In the first class of cases, the inducement must be fraudulent or dishonest. In the second class of acts, the inducing must be intentional but need not be fraudulent or dishonest. Therefore, it is the intention which is the gist of the offence. To hold a person guilty of cheating it is necessary to show that he had a fraudulent or dishonest intention at the time of making the promise. From his mere failure to subsequently keep a promise, one cannot presume that he all along had a culpable intention to break the promise from the beginning.”

18. In light of the facts and circumstances of the present case, we find that the complainant/respondent No. 2 has failed to make out a case that satisfies the basic ingredients of the offence under Section 420 IPC. We fail to understand as to how the allegations against the appellant herein could be brought within the scope and ambit of the aforesaid section. On a bare perusal of the FIR as well as the complaint, we do not find that the offence of cheating as defined under Section 420 IPC is made out and we do not find that there is any cheating and dishonest inducement to deliver any property or a valuable security involved in the instant case.

19. It is settled law that for establishing the offence of cheating, the complainant/respondent No. 2 was required to show that the appellant had a fraudulent or dishonest intention at the time of making a promise or



representation of not fulfilling the agreement for sale of the said property. Such a culpable intention right at the beginning when the promise was made cannot be presumed but has to be made out with cogent facts. In the facts of the present case, there is a clear absence of dishonest and fraudulent intention on the part of the appellant during the agreement for sale. We must hasten to add that there is no allegation in the FIR or the complaint indicating either expressly or impliedly any intentional deception or fraudulent/dishonest intention on the part of the appellant right from the time of making the promise or misrepresentation. Nothing has been said on what the misrepresentations were and how the appellant intentionally deceived the complainant/respondent No. 2. Mere allegations by the complainant/respondent No. 2 that the appellant failed to execute the agreement for sale and failed to refund the money paid by the complainant/respondent No. 2 does not satisfy the test of dishonest inducement to deliver a property or part with a valuable security as enshrined under Section 420 IPC.

20. *On perusal of the allegations contained in the complaint, in light of the ingredients of Section 406 IPC, read in the context of Section 405 IPC, do not find that any offence of criminal breach of trust has been made out. It is trite law that every act of breach of trust may not result in a penal offence unless there is evidence of a manipulating act of fraudulent misappropriation of property entrusted to him. In the case of criminal breach of trust, if a person comes into possession of the property*



and receives it legally, but illegally retains it or converts it to its own use against the terms of contract, then the question whether such retention is with dishonest intention or not and whether such retention involves criminal breach of trust or only a civil liability would depend upon the facts and circumstances of the case. In the present case, the complainant/respondent No. 2 has failed to establish the ingredients essential to constitute an offence under Section 406 IPC. The complainant/respondent No. 2 has failed to place any material on record to show us as to how he had entrusted property to the appellant. Furthermore, the complaint also omits to aver as to how the property, so entrusted to the appellant, was dishonestly misappropriated or converted for his own use, thereby committing a breach of trust.

21. Furthermore, it is pertinent to mention that if it is the case of the complainant/respondent No. 2 that the offence of criminal breach of trust as defined under Section 405 IPC, punishable under Section 406 IPC, is committed by the accused, then in the same breath it cannot be said that the accused has also committed the offence of cheating as defined in Section 415, punishable under Section 420 IPC. This Court in **Delhi Race Club (1940) Limited v. State of Uttar Pradesh, (2024) 10 SCC 690** observed that there is a distinction between criminal breach of trust and cheating. For cheating, criminal intention is necessary at the time of making false or misleading representation i.e. since inception. In criminal breach of trust, mere proof of entrustment is



sufficient. Thus, in case of criminal breach of trust, the offender is lawfully entrusted with the property, and he dishonestly misappropriates the same. Whereas, in case of cheating, the offender fraudulently or dishonestly induces a person by deceiving him to deliver a property. In such a situation, both offences cannot co-exist simultaneously. Consequently, the complaint cannot contain both the offences that are independent and distinct. The said offences cannot co-exist simultaneously in the same set of facts as they are antithetical to each other.

22. At this point, we must hasten to add that the complaint was filed after a delay of nearly eight years. Learned counsel for the complainant/respondent No. 2 has failed to impress the Court about the reason for the delay and hence this fact further raises a suspicion about the bona fides of the complainant/respondent No. 2. The delay in lodging of the complaint and FIR, coupled with the vague allegations do not inspire any confidence in the Court to allow the criminal proceedings to continue against the appellant. Further, the complainant/respondent No. 2 had an alternative remedy of filing a civil suit claiming damages for the alleged violation of his contractual rights which has not been availed but a route through criminal proceedings, when no ingredient of offence is made out, cannot be permitted. Criminal law ought not to become a platform for initiation of vindictive proceedings to settle personal scores and vendettas. The appellant therefore, in our view, could not



be attributed any mens rea and therefore, the allegations levelled by the prosecution against the appellant are unsustainable.

23. Furthermore, in **Inder Mohan Goswami**, it was held by this Court that the Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. It was further held by this Court that it is neither possible nor desirable to lay down any inflexible rule that would govern the exercise of inherent jurisdiction. In view of the above and for the reasons stated above, we are of the firm opinion that to continue the criminal proceedings against the appellant herein would cause undue harassment to him because as observed hereinabove, no prima facie case for the offence under Sections 406 or 420 IPC is made out.

24. In this regard, it would be apposite to rely on the judgment in the case of *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 (“*Bhajan Lal*”) with particular reference to paragraph 102 therein, where this Court observed:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power Under Article 226 or the inherent powers Under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined



and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (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.”

25. On a careful consideration of the aforementioned judgment in the light of the facts of this case, we find that none of the offences alleged against the appellant herein is made out. In fact, we find that the allegations of criminal intent and other allegations against the appellant herein have been made with a mala fide intent and therefore, the judgment of this Court in the case of Bhajan Lal and particularly sub-paragraphs 1, 3, 5 and 7 of paragraph 102, extracted above, squarely apply to the facts of this case. In our view, it is neither expedient nor in the interest of justice to permit the present prosecution to continue.

26. At this juncture, we find it apposite to mention the observations of this Court in Vishal Noble Singh v. State of Uttar Pradesh, 2024 SCC OnLine SC 1680 wherein it was observed that in recent years the machinery of criminal justice is being misused by certain persons for their vested interests and for achieving their oblique motives and agenda. Courts have therefore to be vigilant against such tendencies and ensure that acts of omission and commission having an adverse impact on the fabric of our society must be nipped in the bud. We say so for the reason that while the complainant/respondent No. 2 has made grave allegations against the appellant herein, he has failed to justify the same before this Court. Such actions would create significant divisions and distrust



among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts."

Viewed from this angle also, the impugned complaint and FIR deserve to be quashed.

21. As stated supra, a perusal of the impugned complaint will indicate that apart from alleging collection of excess sums of money from the 2nd respondent, which is a pure civil dispute between the parties, the complainant alleges forgery, impersonation and cheating by the petitioner for the purpose of filing civil cases on behalf of the 2nd respondent without his knowledge; in this context, the complaint allegations, taken at their face value are so highly improbable, in that it is highly inconceivable as to why the petitioner / Advocate would file a case by forging the signatures of his client (2nd respondent) and that too without his knowledge as alleged by him; it is therefore clear that the highly improbable, vague, bald, general and omnibus allegations made in the impugned complaint will clearly indicate that necessary ingredients constituting the alleged offences are conspicuously absent and missing and since the impugned complaint and FIR do not disclose the commission of the alleged



offences by the petitioner, I am of the view that the continuation of impugned proceedings would amount to an abuse of process of law warranting interference by this Court in the present petition, which deserves to be allowed by quashing the impugned FIR and complaint filed against the petitioner.

22. Insofar as the judgment relied upon by the 2nd respondent is concerned, having regard to the peculiar / unique facts obtaining in the case on hand as discussed hereinbefore, the said judgment would not be applicable and as such, the same is not elaborately dealt with for the purpose of the present order.

23. In the result, I pass the following:-

ORDER

(i) Petition is hereby allowed.

(ii) The impugned complaint and FIR in Crime No.224/2023 registered by the 1st respondent – Police for offences punishable under Sections 406, 419, 420, 465, 468 and 471 IPC, pending on the file of IV ACMM, Bangalore, *qua* the petitioner are hereby quashed.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

Srl.