



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

CRIMINAL PETITION NO. 7805 OF 2020

BETWEEN:

SMT. B. SARASWATHI
AGED ABOUT 52 YEARS
W/O R. GOINDARAJU
R/AT: OLD NO.90/1,
NEW NO.38, 5TH CROSS
EJIPURA MAIN ROAD,
VIVEKNAGAR,
BANGALORE - 560 047

...PETITIONER

(BY SRI. RAJASHEKAR S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
VIVEKNAGAR POLICE STATION
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE - 560 001

2. SMT VASANTHI
W/O YADAVENDRA
AGED ABOUT 40 YEARS,
R/AT NO.39, 8TH CROSS,
EJIPURA MAIN ROAD,
VIVEKNAGAR POST,
BENGALURU - 560 047

...RESPONDENTS

(BY SRI. RANGASWAMY R., HCGP FOR R1

SRI. M.C. RAVIKUMAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE
ENTIRE PROCEEDINGS IN C.C.NO.55458/2014 PENDING ON THE





FILE OF THE X A.C.M.M., MAYO HALL UNIT, BENGALURU CITY FOR THE OFFENCE P/U/S 420, 506 R/W 34 OF IPC PURSUANT TO THE FILING OF THE COMPLAINT IN CR.NO.202/2012 OF VIVEK NAGAR P.S., BENGALURU.

THIS CRL.P, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA

ORAL ORDER

The petitioner being accused No.1 in Cr.No.202/2012 of Viveknagar Police Station, Bengaluru in C.C.No.55458/2014 pending on the file of the learned X Addl. Chief Metropolitan Magistrate Mayo Hall Unit, Bangalore City registered for the offences punishable under Sections 420, 506 read with Section 34 of the Indian Penal Code (for short 'the IPC'), has filed this petition seeking to quash the criminal proceedings initiated against her.

2. Heard Sri. Rajashekar S, learned counsel for the petitioner and Sri. Rangaswamy R, learned High Court Government Pleader for the respondent No.1- State and Sri. M.C.Ravikumar, learned counsel for respondent No.2. Perused the materials on record.



3. It is the contention of the learned counsel for the petitioner that the petitioner is the sole accused, against whom respondent No.2 registered First Information Report in Cr.No.202/2012 of Viveknagar Police Station for the aforesaid offences. After investigation, charge sheet came to be filed. The Trial Court took cognizance of the offences and registered criminal case against the petitioner.

4. According to respondent No.2, the petitioner had executed an agreement to sell in respect of the property bearing khata No.121 on 06.03.2012. At the time of executing the sale deed, an advance of Rs.20 lakhs was received and the petitioner agreed to sell the residential property for a total consideration of Rs.1,15,00,000/-. Thereafter, further advance amounts were also received but no sale deed was executed. Thereby, the petitioner committed cheating. When respondent No.2 demanded the petitioner to execute the sale deed, she criminally intimidated her. Therefore, the complaint came to be filed against the petitioner.



5. It is stated that respondent No.2 filed the suit in O.S.No.7903/2012 seeking specific performance of contract i.e., agreement to sell, on 06.03.2012 against the petitioner. The said suit came to be decreed as per the judgment and decree dated 01.09.2020. The petitioner has challenged the said judgment and decree by preferring the appeal in RFA No.1536/2020, which is pending consideration.

6. It is also stated that the petitioner had filed the suit in O.S.No.8819/2012 seeking permanent injunction against respondent No.2 but the said suit came to be dismissed, against which the petitioner has preferred RFA, which is also pending consideration.

7. It is also contended by the learned counsel for the petitioner that since respondent No.2 forcibly trespassed into the first floor of the building, a criminal case was registered against her. However, the Investigating Officer filed 'B' report. In spite of filing the protest petition, the Trial Court accepted the 'B' report. The said order of the Trial Court is also under challenged. In view of the above, learned counsel for the petitioner submits that the dispute between the parties is



purely civil in nature, which is given a colour of criminal offence.

8. Learned HCGP submits that even though Section 420 of IPC can not be attracted, since it is stated that the petitioner had criminally intimidated respondent No.2, Section 506 of IPC is squarely applicable and hence, prayed for dismissal of the petition.

9. Per contra, learned counsel for respondent No.2 opposing the petition submitted that pendency of the civil dispute between the parties is not a ground for quashing the criminal proceeding when the cognizable offence is made out. In the first information filed by respondent No.2, she stated that even though an agreement to sale is an unregistered agreement, under which, the petitioner has obtained advance amount and agreed to execute the registered sale deed. By promising the same he has accepted further advances but not executed the registered sale deed. Thereby, the offence under Section 420 was committed.

10. Learned counsel further submitted that after filing the complaint on 08.10.2012, the petitioner had handed over



the possession of premises in favour of respondent No.2. Thus, respondent No.2 is in possession of the property when this complaint was being instituted. But now the said fact is being denied and therefore, the offence under Section 420 is made out.

11. It is his further contention that since the petitioner has given life threat, the offence under Section 506 of IPC is made out and at this stage, this Court cannot hold a mini-trial to find out the truth or otherwise of such allegations to quash the criminal proceedings.

12. Learned counsel for respondent No.2 places reliance on ***Mrs.G.Chitra Poornima and another Vs. State by Indiranagar Police Station and another¹*** to contend that the pendency of the civil cases between the parties cannot be a ground to quash the criminal proceedings when a cognizable offence is made out on reading of the first information.

13. Learned counsel also submitted that there are case and counter cases filed by the petitioner and respondent No.2. But in the criminal case that are filed by petitioner, B report

¹ CrI.P.No.1244/2020 dated 09.04.2021



came to be filed. Under such circumstances, the facts of the case cannot be stated to be a civil dispute between the parties and hence, prays for dismissal of the petition.

14. In view of the rival contentions urged by the learned counsel for the respective parties, the point that would arise for my consideration is:

"Whether the petitioner has made out any grounds to allow the petition and to quash the criminal proceedings initiated against her?"

My answer to the above point is in 'Affirmative' for the following:

REASONS

15. The first information came to be field by respondent No.2 on 08.10.2012 with Viveknagar Police Station contending that the petitioner is the owner of the property bearing No.1 Khata No.121, old property bearing No.149, situated at Ejipura, Beguru Hobli, Bengaluru. He agreed to sell the same in favour of respondent No.2 for a total consideration of Rs. 1.15 crores. Accordingly, an agreement to sell was entered into on 06.03.2012. On the date of agreement, advance amount of



Rs.20 lakhs was paid and the same was endorsed in the agreement. It is stated that on 08.09.2012, additional advance of Rs.3 lakhs and on 20.09.2012, another advance of Rs.3.50 lakhs, on 21.09.2012 further Rs.8 lakhs was paid as advance. The balance amount was agreed to be paid at the time of execution of the sale deed. On 08.09.2012, respondent No.2 along with balance consideration amount went to the Sub-Registrars office and waited for the petitioner, who agreed to execute the sale deed. But the petitioner had not turned up till 3.00 p.m., in the afternoon. When respondent No.2 called the petitioner over phone, the petitioner refused to handover the house to respondent No.2 and contended that she has not received any advance amount and disconnected the phone. Immediately, respondent No.2 went near house of the petitioner. But the petitioner along with four others picked up quarrel with respondent No.2 demanding to vacate the premises and criminally intimidated to take away the life. Therefore, respondent No.2 had requested to register the criminal case and to initiate legal action.

16. It is not in dispute that respondent No.2 had filed OS.No.7903/2012 seeking specific performance of a contract on



the basis of the agreement to sell dated 06.03.2012. In the agreement to sell, there is no reference to handing over of the possession. Admittedly, it is an unregistered agreement to sell. Even according to the learned counsel for respondent No.2, the possession of the property was not handed over in favour of respondent No.2 on the date of agreement to sell. But, according to him, possession was handed over after registration of FIR in the present case. When the allegations made in the first information are taken into consideration, it is purely a civil dispute between the parties regarding non execution of the sale deed, after entering into an agreement to sell and after getting the advance amount by the petitioner. The only allegation give raise to invoking criminal offence is the allegation when respondent No.2 went near the house of petitioner, she has abused her in filthy language and criminally intimidated. The said allegation is to be looked into in the background of allegations regarding main offence i.e., the offence of cheating under Section 420 of IPC. When respondent No.2 is seeking specific performance of contract, i.e., agreement to sell dated 06.03.2012, simply because the petitioner had not executed the registered sale deed, by no



stretch of imagination it could be said that there was commission of offence under Section 420 of IPC.

17. Learned counsel for the respondent No.2 has produced synopsis along with decision of the Hon'ble Apex Court in ***Priti Saraf and another Vs. State of NCT of Delhi and another***². But strangely, learned counsel for respondent No.2 specifically states that he is not placing reliance on the said judgment but simply producing the same.

18. Learned counsel for respondent No.2 placed reliance on the decision of this Court in ***Mrs. G.Chitra Poornima*** (*supra*) where the coordinate Bench of this Court considering the facts and circumstances of the case, held that it is not a fit case for quashing. On facts, the coordinate Bench has considered that there was a joint development agreement entered into between the parties and the arbitration proceedings held for adjudication of the dispute. But however, there was a specific allegation made in the first information that after passing of the award when the appeal was filed against such award, petitioner therein had caused loss to them by

² (2021) 16 SCC142



damaging the barricade illegally, caused damage to the hoardings put up by them and also dismantled POTA cabin installed by them. When the representatives went and questioned the highhanded acts, they were subjected to abuse and also caused threat.

19. In view of these facts, the coordinate Bench held that there are allegations regarding criminal trespass, causing damages to the property, which amounts to mischief. Illegally, entering into the property causing loss by dismantling the POTA cabin, the criminal offence which is cognizable was committed and therefore, it is held that when the complaint prima-facie discloses commission of the offence, such criminal complaints cannot be quashed merely because the parties were litigating the civil dispute.

20. But in the present case, on going through the first information, there is no cognizable offence as alleged. By no stretch of imagination, Section 420 of IPC could be invoked on the basis of the allegations made in the first information.

21. It is pertinent to note that respondent No.2 in the first information stated that the petitioner demanded to vacate



the premises by handing over the possession but the learned counsel for respondent No.2 while addressing the arguments, categorically stated that respondent No.2 has put in possession of the premises only after filing of the complaint, which is quite contrary to the contention taken in the first information.

22. In the light of the various litigations which are pending before the Court as mentioned above, I am of the opinion that the criminal complainant came to be filed making bald and general allegations only to arm-twist the petitioner to agree for terms. Definitely, it is in abuse of process of law. Therefore, the same is liable to be quashed.

23. Accordingly, I answer the above point in the ***affirmative*** and proceed to pass the following:

ORDER

(i) The Criminal Petition is ***allowed.***

(ii) The criminal proceedings initiated in Cr.No.202/2012 of Viveknagar Police Station, Bengaluru, in C.C.No.55458/2014 pending on the file of the learned X Addl. Chief Metropolitan Magistrate Mayo Hall Unit, Bangalore City registered



for the offences punishable under Sections 420, 506
read with Section 34 of the IPC, is hereby quashed
against the petitioners.

Sd/-
(M G UMA)
JUDGE

JS,BH
CT:VS
List No.: 1 Sl No.: 4