



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200297 OF 2026
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. DR. AMEER KHUSRO
S/O MD. IBRAHIM KHAZI
AGED ABOUT 57 YEARS
OCC: DOCTOR, R/O. NEAR BUDDA VIHAR
S.R.COLONY, JALNAGAR
VIJAYAPURA
2. MAHEJABEEN KHAZI
W/O. DR. AMEER KHUSRO
AGED ABOUT 50 YEARS
OCC: HOUSEHOLD WORK
R/O. NEAR BUDDA VIHAR
S.R.COLONY, JALNAGAR
VIJAYAPURA
3. MD. UZAIR
S/O. AMEER KHUSRO
AGE: 28 YEARS, OCC: BUSINESS
R/O. NEAR BUDDA VIHAR
S.R.COLONY, JALNAGAR
VIJAYAPURA
4. MD. ZAID
S/O. AMEER KHUSRO
AGE: 25 YEARS, OCC: SERVICE
R/O. NEAR BUDDA VIHAR,





S.R.COLONY, JALNAGAR,
VIJAYAPURA

5. MD. JUNAID
S/O. AMEER KHUSRO
AGE: 23 YEARS, OCC: STUDENT
R/O. NEAR BUDDA VIHAR
S.R.COLONY, JALNAGAR
VIJAYAPURA

...PETITIONERS

(BY SRI RAVI B. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH JALA NAGAR PS
VIJAYAPURA, REP. BY ITS
STATE PUBLIC PROSECUTOR
ADVOCATE GENERAL'S OFFICE
HIGH COURT BUILDING
KALABURGI-585 103
2. SAYED ABDUL AZEEM
SYED MOHAMMAD HAKEEM
S/O SAYED MOHAMMED HAKEEM
AGED ABOUT 59 YEARS
OCC: ENGINEER,
R/O. H.NO.12/6/541,
LBS NAGAR, MUKRAM GANJ, RAICHUR
NOW RESIDING AT ASMA MANJIL
NEAR AKKI HOSPITAL,
BUTHRA COLONY, ATHANI ROAD
VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI S. S. MAMADAPUR, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482 OF CR.P.C.
(OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THE



PRESENT PETITION AND QUASH THE FIR IN CRIME NO.0149/2025 DATED 18.12.2025 BEING REGISTERED BY THE RESPONDENT NO.1 JURISDICTIONAL POLICE/JALANAGAR PS, VIJAYAPUR FOR THE OFFENCE UNDER SECTION 318(4), 322, 351(2), 190 OF BNS ACT, 2023 PENDING ON THE FILE OF THE COURT OF III ADDITIONAL CIVIL JUDGE (SR. DN.) AND JMFC COURT, VIJAYAPUR, AS ILLEGAL AND WITHOUT ANY AUTHORITY.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the FIR against the petitioners/accused Nos.1 to 5 in Crime No.149/2025 registered by Jalanagar Police Station, Vijayapura for the offences punishable under Sections 318(4), 322 and 351(2) r/w Section 190 of Bharatiya Nyaya Sanhita, 2023 [for short, 'the BNS, 2023'], presently pending on the file of the III Additional Civil Judge (Sr.Dn.) and JMFC, Vijayapura.

2. The factual matrix of the case is that, the petitioners and respondent No.2 are known to each other.



It is contended by respondent No.2 that he is residing at Saudi Arabia and working as Civil Engineer and he used to visit India frequently. The petitioners made respondent No.2 to believe that if he invests in land at Vijayapura, he would get high returns and the prices of the property are rising in a high speed and assured him that they would assist him in buying the property at Vijayapura. Thereafter, the petitioners informed respondent No.2 that there is a land for sale and if he purchase that land, he would get good returns on such investment. Respondent No.2 expressed his difficulty to travel to Vijayapura. The petitioner No.1 informed him to transfer Rs.46,00,000/- and assured that documentation can be done after his travel. Believing on his words, respondent No.2 transferred a sum of Rs.46,00,000/- in the name of petitioners. After receiving the said amount, the petitioners postponed the sale transaction. Though respondent No.2 requested them to refund the amount or to complete the sale transaction, the petitioners informed



that petitioner No.2 has entered into an agreement of sale in respect of land bearing R.S.No.787/*/2A measuring 10 guntas out of 2 acres 12 guntas of Mahalbagayat, Vijayapura and informed that they would execute agreement of sale in favour of respondent No.2 for a sale consideration of Rs.30,00,000/-. Accordingly, petitioners executed the agreement of sale in favour of respondent No.2 in respect of the above land on 12.08.2024. Thereafter, the petitioners neither executed the registered sale deed nor refunded the money of respondent No.2. As such, respondent No.2 lodged the complaint, which was registered in Crime No.149/2025 against the petitioners/accused Nos.1 to 5. Aggrieved by the registration of Crime No.149/2025, the petitioners preferred this petition.

3. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned High Court Government Pleader for respondent No.1 - State.



4. The primary contention of the learned counsel for the petitioners is that the dispute between the parties is purely civil in nature and instead of availing their remedy for enforcement of contract, in order to give criminal colour to the civil dispute, this complaint has been lodged. He also submits that a counter case has been registered by petitioner No.2 against respondent No.2 and his family members, which was registered in Crime No.151/2025. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader opposed the prayer and prays to dismiss the petition.

6. Learned counsel for respondent No.2 does not dispute the fact that the dispute pertaining to the parties is civil in nature. As such, case and counter cases are filed.

7. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents available on record.



8. As could be gathered from the complaint averments, the dispute is purely civil in nature in connection with enforcement of the agreement entered into between the parties in respect of the landed property and payment of advance sale consideration. In such circumstance, offences under the provisions stated supra do not attract against the petitioners. Further, by considering the submission of learned counsel for respondent No.2, I am of the considered view that the continuation of proceedings against the petitioners is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.1 to 5 in Crime No.149/2025 registered by Jalanagar Police Station, Vijayapura for the offences punishable under Sections 318(4), 322, 351(2), 190 of Bharatiya



NC: 2026:KHC-K:1942
CRL.P No. 200297 of 2026

Nyaya Sanhita, 2023, presently pending
on the file of the III Additional Civil
Judge (Sr.Dn.) and JMFC, Vijayapura is
hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 1 Sl No.: 0
CT-BH