

ITEM NO.14

COURT NO.14

SECTION II-E

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6639/2023

[Arising out of impugned final judgment and order dated 18-04-2023 in CRLP No. 8851/2022 passed by the High Court of Karnataka at Bengaluru]

CHANDRASHEKAR C

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA &amp; ANR.

Respondent(s)

IA No. 105182/2023 - EXEMPTION FROM FILING O.T.

Date : 16-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) : Mr. Siddharth Agarwal, Sr. Adv.  
Mr. B. Shravanth Shanker, AOR  
Ms. Prerna Robin, Adv.  
Mr. Shivam Kunal, Adv.  
Mr. B Yeshwanth Raj, Adv.

For Respondent(s) : Mr. Nishant Patil, A.A.G.  
Mr. D. L. Chidananda, AOR  
Mr. Gourav Agarwal, Sr. Adv.  
Mr. Darpan Km, Adv.  
Ms. Amrita Sharma, Adv.  
Mr. Rajat Jonathan Shaw, Adv.  
Mr. Durgha Prakash, Adv.  
Ms. Easha Chandhok, Adv.  
Ms. Rashi Bansal, AOR

**UPON hearing the counsel the Court made the following**  
**O R D E R**

Having considered the matter in depth, we find that the State has to answer very pertinent questions which have not been forthcoming, more so, as the presumption is that it is a neutral entity and would come out with the correct facts.

2. Accordingly, we direct the State to submit a report with

regard to the overall allegations made in the complaint filed by the respondent no. 2 in the present case.

3. The State shall also take note of paragraph 7 of the complaint, wherein officials of the Sub-Registrar's Office, where the documents are stated to have been registered, are alleged to have been in connivance with the other co-accused.

4. We expect that the investigation shall be conducted from all angles and a categorical finding is placed before this Court on the stand taken by the complainant, that all signatures on the sale deed as also the subsequent rectification deed, are forged and fabricated, and that the executants did not even appear before the officers concerned for the purpose of accepting the said documents, including the requirement of submitting their biometric details.

5. The Court would also be informed with regard to whether the investigation is fully complete or only partially complete, and whether the charge sheet filed is a full and final charge sheet, or the investigation is still continuing/pending with regard to some of the accused persons.

6. However, with regard to the core issue as indicated above, a categorical finding shall be submitted to this Court in a sealed cover by the Deputy Commissioner of Police (DCP), Central Crime Branch(CCB), Bangalore City, State of Karnataka, under his signature.

7. The final report shall also take note of the response from the Inspector General of Registration and the Commissioner of Stamps with respect to the allegations made in the said complaint. The whole exercise would be done under the strict supervision of the

DCP.

8. The matter be listed on 11.11.2025.

9. In the meantime, interim order to continue, till the next date of listing.

(VARSHA MENDIRATTA)  
COURT MASTER (SH)

(ANJALI PANWAR)  
COURT MASTER (NSH)

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18<sup>TH</sup> DAY OF APRIL, 2023

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

**CRIMINAL PETITION NO.9708 OF 2022  
CONNECTED WITH  
CRIMINAL PETITION NO.8851 OF 2022,  
CRIMINAL PETITION NO.9051 OF 2022**

**IN CRIMINAL PETITION NO.9708 OF 2022**

**BETWEEN**

- 1 . SRI. JAGADEESH  
S/O SRI NARAYANLAL  
AGED ABOUT 32 YEARS
- 2 . SMT LATHA KUMARI  
W/O JAGADEESH  
AGED ABOUT 29 YEARS  
  
PETITIONERS NO.1 AND 2 ARE  
R/AT NO.01, 1ST FLOOR  
PEARL FASHION  
NEAR MUTHYALAMMA TEMPLE  
BHAVANI ROAD  
HEBBAGODI ANEKAL TALUK  
BANGALORE 560099
- 3 . SRI KARUNANIDI  
S/O AYYAKANU  
AGED ABOUT 57 YEARS  
R/AT NO.P 50, PAPANNA GARDEN HUTS  
WILSON GARDEN  
BANGALORE - 560027
- 4 . SRI G V NARAYANA REDDY  
S/O VENKATESHWARALU  
AGED ABOUT 29 YEARS  
R/AT NO 1-17, JANGAM VARI PALLI  
ARIVEMULA PRAKASAM DISTRICT

## ANDHRA PRADESH - 523 112

- 5 . SRI MUSHTAQ KHAN  
S/O HUSSAIN KHAN  
AGED ABOUT 51 YEARS  
R/AT NO 18, EAST STREET  
NEELASANDRA  
VIVEKNAGAR  
BANGALORE - 560 047
- 6 . SRI RAVICHANDRAN  
S/O SELLAMUTHU  
AGED ABOUT 33 YEARS  
R/AT NO 3/214-A PUDHUMANAI GUDALUR  
VILLUPPURAM AYANDUR  
TAMILNADU - 605 755
- 7 . SMT RENUPRIYA  
W/O SRI JANARTHANAM  
AGED ABOUT 30 YEARS  
RATNO 2/17, GUDDAPPANAikanur  
VENKATASAMUTHIRAM POST  
BARGUR TALUK  
BARGUR  
KRISHNAGIRI - 635 104
- 8 . SMT SHYMALA  
W/O SRI NAVANEETH KUMAR  
AGED ABOUT 32 YEARS  
R/AT NO A3/258 SIGARALAPALLI POST  
CHIGARALAPALLI  
BARGUR TALUK  
KRISHNAGIRI - 635 104
- 9 . SRI ADINARAYANA REDDY S N  
S/O SRI NAGI REDDY S N  
AGED ABOUT 34 YEARS  
BAGEPALLI  
CHIKKABALLAPURA - 561207
- 10 . SRI RAVIKANTH REDDY D  
S/O DEVARINTI SUDARSHAN REDDY  
AGED ABOUT 36 YEARS  
R/AT MUSALIKUNTA

CHITTOOR DISTRICT  
ANDHRAPRADESH - 517418

- 11 . SRI GANESH MURTHY  
S/O SRI K M MADHAIYAN NAIDU  
AGED ABOUT 42 YEARS  
R/AT NO 31/6 6THCROSS  
2ND MAIN HOSUR ROAD  
OM SHAKTHI TEMPLE LAYOUT  
GARVEBHAVIPALYA  
BENGALURU - 560068
- 12 . SRI JAYANTH SHETTY  
S/O SAJEEV REDDY  
AGED ABOUT 38 YEARS  
R/AT NO 11/1 SRI NANDHADARA NILAYA  
1ST FLOOR 24TH MAIN  
25TH CROSS PARANGIPALYA  
GOVT SCHOOL, HSR LAYOUT  
BANGALORE - 560 102
- 13 . SRI VIJAY N  
S/O NATARAJ  
AGED ABOUT 33 YEARS  
R/AT NO 45/7, 10TH CROSS  
GUBBANNA LAYOUT  
6TH BLOCK  
RAJAJINAGAR  
BANGALORE - 560 100
- 14 . SMT VIJAYALAKSHMI  
W/O GANESHMURTHY  
AGED ABOUT 34 YEARS  
R/AT 31/6, 6TH CROSS  
2ND MAIN, HOSUR ROAD  
OM SHAKTHI TEMPLE LAYOUT  
GARVEBHAVIPALYA  
BANGALORE - 560068
- 15 . RAJU K M  
S/O KURIPPA  
AGED ABOUT 37 YEARS  
R/ATNO 273/2, SRI VENKATESHWARA NILAYA  
SHANKARANAG ROAD  
NEAR P R COMPLEX

VIRAT NAGAR  
BOMMANAHALLI  
BANGALORE - 560068

- 16 . SMT R S RANI  
W/O SRI V SARAVANAN  
AGED ABOUT 40 YEARS  
R/AT NO 66 2ND CROSS  
NEAR VINAYAKA CABLE TV  
MARUTHI NAGAR  
BANGALORE - 560068
- 17 . SMT PACHAI SAKTHIVEL  
W/O SAKTHIVEL  
AGED ABOUT 38 YEARS  
R/AT NO.08, GANGAMMA LAYOUT  
DODDANAGAMANGALA  
ELECTRONIC CITY  
BANGALORE 560100
- 18 . SRI TATAMBHATLA ROHINI KUMAR  
S/O SUBRAHMANYAM TATAMBHATLA  
AGED ABOUT 42 YEARS  
R/AT FLAT NO.1206  
JANAPRIYA LAKEVIEW APARTMENT 2  
KODICHIKKANAHALLI  
BANNERGHATTA  
BANGALORE - 560076
- 19 . SRI. EMAGIRIVASAN UTHAMASEELAN  
S/O UTHAMSEELAN  
AGED ABOUT 39 YEARS  
R/AT NO. 109, NETHAJI STREET,  
AMMOOR KOOT ROAD,  
VELLORE, VALLAJAH  
TAMIL NADU 632 501
- 20 . SRI. SUDHAKARA G S  
S/O SWAMY GOWDA  
AGED ABOUT 48 YEARS,  
R/AT G2G-174  
CHANDAPUR CIRCLE,  
NEAR NEELA APARTMENTS,  
G2G-174 HEELALINGE  
BANGALORE 560 100

- 21 . SMT. V NIRMALA  
W/O M K VENTESAN  
AGED ABOUT 42 YEARS  
R/AT NO.8, PALANDI  
AMMAN NAGAR  
KANCHIPURAM  
THIROPORURU  
CHENGALAPATTU DISTRICT  
TAMIL NADU 603 110
- 22 . MS. TANMAYA S  
D/O SHIVA KUMAR M S  
R.AT NO. 57/2,  
12th MAIN , 5th CROSS,  
RAGHAVENDRA BLOCK,  
SRINAGAR,  
BENGALURU 560 050
- 23 . SRI. SATHISH R  
S/O RANGANATHAN R  
AGED ABOUT 34 YEARS,  
R/AT NO. 94, 35th A MAIN,  
NARASIMHA SWAY LAYOUT,  
MAJUSHREE KALYANA MANTAPA  
LAGGERE  
BANGALORE 560 058
- 24 . SRI PARINITH RAJ S  
S/O CHANDRAPPA S R  
AGED ABOUT 32 YEARS  
R/A RAKESH RAKSHITH NILAYA  
IST MAIN ROAD, 3RD CROSS  
HOSMANE EXTENSION  
SHIVAMOGGA-577201
- 25 . SRI RAJKUMAR M  
S/O D MANOHARAN  
AGED ABOUT 32 YEARS  
NO.112, GROUND FLOOR  
UPKAR OAKLAND  
NEAR ATTIBELE,  
RTO CHECK POST, ATTIBELE  
BENGALURU-562107



- 26 . SMT DIYVA RAVICHANDRAN  
W/O RAJKUMAR M  
AGED ABOUT 31 YEARS  
R/A NO.112, GROUND FLOOR  
UPKAR OAKLAND  
ATTIBELE , RTO CHECK POST  
BENGALURU-562107
- 27 . SRI VANGUNU SUBBA REDDY  
S/O NAGIREDDY  
AGED ABOUT 50 YEARS  
R/A SOMALAREGADA GRAMAMU  
SOMALAREGADA PSOT  
DATTALURU MANDALAM  
ANDRAPRADESH - 524 222
- 28 . SRI KARTHIRAMAN R  
S/O RAMAIAH  
AGED ABOUT 37 YEARS  
R/A NO.281, 3RD CROSS,  
7TH BLOCK, KORAMANGALA  
BANGALORE-560095
- 29 . SMT HEMAVATHI B  
W/O KARTHIRAMAN R  
AGED 35 YEARS  
R/T NO 281, 3RD CROSS  
7TH BLOCK KORMANGALA  
BANGALORE 560095
- 30 . SMT SUVARNA KAMATI  
W/O VITTAL  
AGED 30 YEARS  
R/AT NARSINGPUR  
BELAGAVI  
BELAGAVI DSITRICT - 590 001
- 31 . SRI MENDI PRASANNA KUMAR  
S/O VENKATA RAMANA  
AGED 35 YEARS  
RA/T NO 10-207  
TAADI CHERUVU BHEEMANAPALLI  
UPPALGUPTAM EAST GODAVARI

## ANDHRA PRADESH - 533 222

- 32 . SRI RAGHAVENDRA R  
S/O LATE RAMESH BABU  
AGED 35 YEARS  
RA/T NO 29  
GANGAMMA TEMPLE STREET  
NEAR NAGARTHA PETE  
ANEKAL  
BANGALORE - 562 106
- 33 . SMT VASANTHA MUNISWAMY  
W/O MUNISWAMY  
AGED 58 YEARS  
R/AT NO 31, RAMAR KOVIL STREET  
UNAIMOTTUR  
VELLORE DIST  
TAMIL NADU - 632 101
- 34 . SRI. P. BHASKARA REDDY  
S/O LATE P. NAGI REDDY  
AGE ABOUT 38 YEARS  
R/AT DOO RNO. 4-2-83  
D.B. COLONY HINDUPUR  
ANANTHAPUR DIST  
ANDHRA PRADESH 515 201
- 35 . SRI. RAMESHA .R  
S/O SRI. RAMAMURTHY  
AGED ABOUT 34 YEARS  
R/AT NO. 163, 5TH CROS  
CHIKKA THAYAPPA REDDY LAYOUT  
ROOPENA AGRAHARA  
BANGALORE 560 068
- 36 . SRI. RAMALINGA SASTRY CHIRRAVURI  
S/O VENKATA SUBBA RAO  
AGED ABOUT 43 YEARS  
R/AT NO. 21-5-11  
GADEPALLIVARI STREET  
NEAR OLD POLICE STATION  
BLOCK-21,TANUKU  
WEST GODAVARI  
ANDHRA PRADESH - 534 211

- 37 . SRI. LINGAM PUNNI SRIHARSHA  
S/O LINGAM VENKATA RAMARAO  
AGED ABOUT 37 YEARS  
R/AT NO. 2-78, VIDYA NAGAR  
OPP BANK COLONY  
SATRAMPADU  
ELURU INDUSTRIAL ESTATE  
WEST GODAVARI  
ANDHRA PRADESH - 534 007
- 38 . SMT. BABY.K .S  
W/O K. SHANMUGAM  
AGED ABOUT 51 YEARS  
RA/T NO. 33/1, 46TH CROSS  
6TH MAIN ROAD, OPP. MASZID  
RAJAJINAGAR  
BANGALORE 560 010
- 39 . MS. SHIVANGI MALL  
D/O HARSH VARDHAN MALL  
AGED ABOUT 37 YEARS  
R/AT NO.790, KOTWALI  
GORAKHPUR  
UTTAR PRADESH 273001
- 40 . SMT. KANAKA SHREE S K  
W/O KRISHNA MURTHY B.N.  
R/AT NO. 15, E BLOCK,  
ADUGODI POLICE QUARTERS,  
NEAR ADUGODI POLICE STATION  
BENGALURU 560 030
- 41 . SRI. MANJAPPA F L  
S/O FAKKIRAPPA  
R/AT ELECTRONIC CITY POLICE STATION,  
BENGALURU 560 100
- 42 . SRI. YATHISH KUMAR V  
S/O VENKATESH S N  
R.AT NO. 73, 2nd MAIN  
2nd CROSS, VINAYAKA NAGAR,  
BENAGLURU 560 030
- 43 . SRI. JAGANNATHAN R

S/O M RAMU  
 AGED ABOUT 43 YEARS  
 R/AT 421/3, 4th CROSS,  
 BOMMANAHALLI  
 NEAR GANESH TEMPLE,  
 BENAGALURU CITY 560 100

- 44 . SRI. S. LAKSHMI NARAYANA  
 S/O LATE SELVAM  
 AGED ABOUT 25 YEARS  
 RAT NO. 2/36, NAGANUR,  
 SENGANUR, PENNAGARAM  
 DHARMAPURI DISTRICT  
 TAMILNADU - 636 810
- 45 . SRI VASU R  
 S/O LATE SELVAM  
 AGED ABOUT 52 YEARS  
 RA/T NO 66, 3RD CROSS  
 CHINAMMA LAYOUT  
 NEW EXTN MADIWALA  
 BANGALORE - 560 068
- 46 . SMT K MAHALAKSHMI  
 W/O SATHYADEV KUMAR K M  
 AGED 42 YEARS  
 R/AT NO 27, 6TH CROSS  
 HONGASNDRA MAIN ROAD  
 OMSHAKATHI LAYOUT STREET  
 G B PALYA  
 BANGALORE 560068
- 47 . SRI VIJAY KUMAR MATHAVARAJAN  
 S/O SRI MATHAVARAJAN  
 AGED 40 YEARS  
 R/AT NO 1/73, REGADAHALLI  
 PAPPIREDDIPATTI  
 DHARAMPURI DISTRICT  
 TAMILNADU - 635 301
- 48 . SRI V MUGUNDHAN  
 S/OK VENAKTESHAN  
 AGED ABOUT 39 YEARS  
 R/AT BOUND STREET  
 PERNAMALLUR POST

THIRUVANAMALAI DSIT  
TAMIL NADU 604 503

- 49 . SRI SILAMARASAN P V  
S/O VENKATASWAMY  
AGED 31 YEARS  
R/AT NO 1/293, POLUPALLI  
KIRSHINAGIRI  
TAMILNADU 635 121
- 50 . SRI G SURESH  
S/O LATE C GOVINDARAJ  
AGED ABOUT 46 YEARS  
R/A NO.21, MARUTHI LAYOUT  
NEAR E TECHNO CHAITANYA SCHOOL  
SHIVA TEMPLE, KUDLU  
BANGALORE-560068
- 51 . SRI G SATHISH  
S/O LATE C GOVINDARAJ  
AGED ABOUT 44 YEARS  
R/A NO.37, MUNINANJAIAH LAYOUT  
BEHIND NIGHTINGALES SCHOOL  
KUDLU  
BANGALORE - 560 068
- 52 . SRI RANJITH SELVAM  
S/O SELVAM  
AGED ABOUT 33 YEARS  
R/A NO.237/8, 2ND MAIN ROAD  
RAMACHANDRAN PURAM  
BANGALORE - 560 021
- 53 . SRI RAGHU DEVANGA RACHAPPA  
S/O RACHAPPA D S  
AGED ABOUT 50 YEARS  
R/A NO.273, 1ST FLOOR  
5TH CROSS, KODIGEHALLI  
BANGALORE - 560 097
- 54 . SRI K N KISHORE  
S/O LAKSHMI KANT  
AGED ABOUT 53 YEARS  
R/A NO.305, RELIABLE DOMOCILLE

BERTANA AGRAHARA  
ELECTRONIC CITY  
BANGALORE-560100

- 55 . SMT RADHIKA G  
W/O GURURAJAN  
AGED ABOUT 30 YEARS  
R/AT NO.118/2  
MANJUNATHA REDDY BUILDING  
BEHIND S R K LAYOUT  
DODATHOGUR ELECTRONIC CITY  
BANGALORE -560 100
- 56 . SRI BHUPATHI DANIEL  
S/O LATE B MAHALAKSHMI  
AGED ABOUT 55 YEARS  
R/AT DOOR NO.60-27-48  
1 H COLONY NEAR HPCL MAIN GATE  
MALKAPURAM  
VISAKHAPATNAM DISTRICT  
ANDRA PRADESH -530 011
- 57 . SRI BHUPATHI SAMUEL  
S/O LATE B MAHALAKSHMI  
AGED ABOUT 51 YEARS  
R/AT NO.60-27-48/2 1 H COLONY  
NEAR HPCL MAIN GATE  
MALKAPURAM  
VISAKHAPATNAM DISTRICT  
ANDRA PRADESH -530 011
- 58 . SRI RAJATH DEV YADAV  
S/O HANUMANTHAPPA  
AGED ABOUT 44 YEARS  
R/AT NO.14/20 18TH MAIN  
13TH CROSS VENKATESHWARA LAYOUT  
BTM 1ST STAGE NEAR ORANGE BAKERY  
BANGALORE -560 068
- 59 . SRI LANKAPALLI JYOTHEESWARA KUMAR  
C/O LANKAPALLI KRISHNAMA NAIDU  
AGED ABOUT 44 YEARS  
R/AT NO.187 U P STAIRS  
CHINNABAZAR STREET

THIRUPATHI URBAN  
CHITTOOR  
ANDRAPRADESH -571 501

... PETITIONERS

(BY SRI VENKATESH T.S., ADVOCATE)

**AND**

1 . STATE BY  
PARAPPANA AGARAHARA P S  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA  
BANGALORE - 560001

2 . SRI N MUKUNDA  
S/O LATE C R NAGARAJA SHETTY  
AGED ABOUT 53 YARS  
RESIDING AT NO.6, CUNNINGHAM  
CRESENT ROAD, FLAT NO.405  
HOYSALA APARTMENT  
VASANTH NAGAR  
BANGALORE - 560 001

...RESPONDENTS

(BY SRI B.J. ROHITH, HCGP FOR R1  
SRI S. RAJENDRA, ADVOCATE AND  
SRI SATYANARANA CHALKE, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO SET ASIDE THE ORDER DATED 23.05.2022 IN PCR.NO.8992/2022 PENDING BEFORE IX A.C.M.M., BENGALURU AND QUASH THE FIR IN CR.NO.302/2022 DATED 20.08.2022, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120B, 409, 416, 420, 463, 464, 465, 468 READ WITH SECTION 34 OF IPC BY PARAPPANA AGRAHARA P.S., BENGALURU IN SO FAR IT RELATES TO PETITIONERS.

**IN CRIMINAL PETITION NO.8851 OF 2022**

**BETWEEN**

CHANDRASHEKAR C  
S/O CHIKKACHINNAPPA  
AGED ABOUT 35 YEARS,  
C/O M/S B V M REDDY ASSOCIATES

B 107 BRIGADE MAJESTIC  
NO.26, 1ST MAIN  
GANDHINAGAR  
BENGALURU 560009

... PETITIONER

(BY SRI S.N. ASHWATH NARAYANA, ADVOCATE  
FOR SRI MALLA REDDY B V, ADVOCATE)

AND

1 . STATE OF KARNATAKA  
PAPANNA AGRAHARA POLICE STATION  
ELECTRONIC CITY SUB DIVISION  
BENGALURU CITY  
REPTD BY PUBLIC PROSECUTOR  
GOVERNMENT ADVOCATE  
HIGH COURT OF KARNATAKA  
BANGALORE - 560 001

2 . N MUKUNDA  
S/O LATE C R NAGARAJ SHETTY  
AGED 53 YEARS,  
R/AT NO.6, CUNNINGHAM  
CRESENT ROAD  
FLAT NO.405, HOYSALA APARTMENT  
BENGALURU - 560 001

...RESPONDENTS

(BY SRI B.J. ROHITH, HCGP FOR R1  
SRI S. RAJENDRA , ADVOCATE AND  
SRI SATHYANARAYANA CHALKE, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439  
OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO QUASH  
THE COMPLAINT AND FIR IN CR.NO.302/2022 REGISTERED BY  
THE RESPONDENT NO.1 POLICE IN RESPECT OF THE  
PETITIONER (ACCUSED NO.22) FOR THE OFFENCES  
PUNISHABLE UNDER SECTIONS 34, 120B, 409, 420, 465, 468,  
419, 463, 464 OF IPC CONSEQUENTLY QUASH ALL FURTHER  
PROCEEDINGS IN PCR.NO.8992/2022 PENDING BEFORE THE IX  
ACMM, BANGALORE IN SO FAR AS ACCUSED  
NO.62/PETITIONER IS CONCERNED.



**IN CRIMINAL PETITION NO.9051 OF 2022**

BETWEEN

ASHOK KUMAR. A. B.  
S/O BOREGOWDA  
AGED 41 YEARS  
R/AT A -150, BABUREDDY BUILDING  
NEAR GOVERNMENT SCHOOL  
DODDATHOGUR VILLAGE  
BEGUR HOBLI, BENGALURU SOUTH TALUK  
BENGALURU 560100

... PETITIONER

(BY SRI C.V. RAGHU, ADVOCATE  
FOR SRI MALLA REDDY B V., ADVOCATE)

AND

1 . STATE OF KARNATAKA  
PAPANNA AGRAHARA POLICE STATION  
ELECTRONIC CITY SUB DIVISION  
BENGALURU CITY  
REP BY PUBLIC PROSECUTOR  
/ GOVERNMENT ADVOCATE  
HIGH COURT OF KARNATAKA  
BANGALORE 560001

2 . N MUKUNDA  
S/O LT C R NAGARAJ SHETTY  
AGED 53 YEARS  
R/AT NO 6, CUNNINGHAM  
CRESCENT ROAD  
FLAT NO.405, HOYSALA APARTMENT  
VASANTH NAGAR  
BENGALURU 560001

...RESPONDENTS

(BY SRI B.J. ROHITH, HCGP FOR R1  
SRI SATYANARAYANA CHALKE, ADVOCATE  
FOR SRI S. RAJENDRA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439  
OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO QUASH  
THE COMPLAINANT AND FIR IN CR.NO.302/2022 REGISTERED  
BY THE RESPONDENT NO.1 POLICE IN RESPECT OF THE  
PETITIONER (ACCUSED NO.61) FOR THE OFFENCES

PUNISHABLE UNDER SECTIONS 34, 120B, 409, 420, 465, 468, 416, 463, 464 OF IPC, CONSEQUENTLY QUASH ALL FURTHER PROCEEDINGS IN PCR.NO.8992/2022, PENDING BEFORE THE HONBLE IX A.C.M.M., NRUPATHUNGA ROAD, AT BENGALURU IN SO FAR AS ACCUSED NO.21/PETITIONER IS CONCERNED.

THESE CRIMINAL PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 11.4.2023, THIS DAY, THE COURT MADE THE FOLLOWING:

### ORDER

The CrI.P.No.9708/2022 filed by the petitioners/accused Nos. 59 (5, 6, 7, 8, 9, 10, 17, 19, 31, 36, 49, 43, 44, 51, 54, 55, 58, 59, 65, 66, 68, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 94, 95, 96, 97, 98, 99, 100, 102, 103, 107, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 133, 135, 136,) and CrI.P.No.8851/2022 filed by accused No.22 and CrI.P.No.9051/2022 filed by petitioner/accused No.61 under section 482 of Cr.P.C for quashing the FIR in Crime No.302/2022 registered by Parappana Agrahara Police station based upon the private complaint referred by the Magistrate on the complaint filed by the respondent No.2 in PCR No.8992/2022 for the offences punishable under sections 120B, 409, 416, 420, 463, 464, 465, 468 read with 34 of IPC.

2. Heard the arguments of learned counsel for petitioners, learned HCGP for the State and learned counsel for respondent No.2.

3. The case of the respondents before the trial court in the private complaint is that the complainant was the accused, owner of the property in Sy No.4 measuring 3 acres 32 guntas at Beratera Agrahara village, Begur Hobli. The complainant intended to sell the property and waited for the purchasers. At that time, accused No.1/Venkatesh Naidu approached along with one Naveen Kumar/accused No.2 and offered to pay an amount for Rs.3800 per sqft to the extent of 3,00,000 sqft and a layout also formed and some of the sale deeds were executed in favour of the purchaser from the complainant, who are none other than the accused persons created, fabricated, concocted purchasers for the purpose of sale transactions. The purchasers are none other than the accused Nos.5 to 95, 124, 139. The sale deeds were executed in the name of the employees of the accused Nos.1 and 2. The amount were not paid to the respondent/complainant but they

were shown as amount was paid by way of cheque and the cheques were not encashed. All the cheques were issued by the accused Nos.1 and 2 in the name of the purchasers, which were reflected in the sale deeds. All the purchasers are known persons to the accused Nos.1 and 2, they have created the documents, obtained signatures of the respondents and some of the signatures were scanned and produced before the sub-registrar/accused No.3 and got executed the sale deeds at the instance of accused No. 4/ computer operator. All the documents were created by accused Nos.1 to 4 for having cheated the complainant, therefore prayed for taking action. After registering private complaint, the Magistrate referred the same to the police, inturn police registered FIR and investigating the matter which is under challenge.

4. The learned counsel for the petitioners has strenuously contended, that all these petitioners are bonafide purchasers of the sites, they have paid sale consideration by way of cheques and demand drafts. Especially accused No.22 who is an advocate who

transferred the amount Rs.35.00 lakhs to respondent No.2 and Rs.9.40 lakhs for the mother of the respondent No.2, by online transfer. There is no Mens rea for all these petitioners, who are all bonafide purchasers, paid the sale consideration and the respondent also executed the rectification of the sale deed for rectifying the boundaries in the principle sale deeds executed by the respondent. Therefore, the petitioners have already filed the civil suit before the civil court, which is pending. The respondent converting the civil dispute into criminal case. In one of the cases, the police have filed 'B final report'. Hence prayed for quashing the FIR.

5. Per contra, learned counsel for the respondent No.2 vehemently contended, the accused Nos.1 and 2 made an arrangement with the complainant for selling the sites, all the sale deeds were prepared by accused No.3/sub registrar in support of accused No.4/data entry operator. They prepared the sale deeds by showing some cheque numbers, all those cheques were not encashed. The cheques were issued by accused Nos.1 and 2, in

favour of the purchasers, all the purchasers are bogus purchasers, they are kith and kins, relatives and employees of accused Nos.1 and 2. All these sale deeds are sham documents, all the cheques are issued by accused No.2. The respondent not received any amount, totally deceived by the accused persons. The respondent counsel also contended, though accused No.22 transferred the amount, there were no proper documents produced by the petitioners. Therefore, matter requires for investigation. There is a fraud committed on the respondent, by cheating the respondent by creation of documents, fabrication and forging the signature of respondent No.2. Therefore, prayed for dismissing the petition.

6. Learned counsel for petitioners, in reply also stated some of the accused persons were subsequent purchasers from the original purchasers, they are all bonafide purchasers, therefore the FIR cannot be sustainable. Hence, prayed for allowing the petition.

7. Having heard the arguments, perused the records, which reveals of course, there is litigation between accused Nos.1 and 2 and respondent No.3. As per their understanding, the accused persons said to be formed the layout and respondent No.2 said to be owner of the land. While selling the properties accused Nos.1 and 2 said to be created a fake purchasers and created the sale deed in those names and cheques were issued by accused No.2. None of the cheques were said to be actually encashed by the respondent. Though the petitioners have filed civil suit against the respondent including the accused Nos.1 and 2, which is pending but the fact remains the petitioner Nos.1 and 2 in collusion with the purchasers, created sham deeds by showing the sale consideration paid to the respondent. In fact, there is no such sale consideration passed to the respondents, it is only shown as cheque number, which is said to be belonging to accused persons accused No.2, but not from the purchaser. It is well settled, in any sale contract without the consideration, it is void. Except accused No.22 an advocate who has paid Rs.34/- lakhs via RTGS to the

respondent No.2 and Rs.9.4 lakhs to the mother of accused No.2. The other petitioners have not produced any document to show the amount has been actually credited to respondent No.2. The sale deed also reveals the accused Nos.1 and 2 are the vendors and the name of the respondent and some of the sale deeds, they have shown as consenting vendors, but the allegation is that the cheque said to be issued towards sale consideration were not encashed. All the sale consideration belongs to accused Nos.1 and 2. Though in some of the sale deed it was referred as amount has been transferred through RTGS through the bank, but it is not stated that the said amount has been given through Demand Draft and some of the sale deeds they have shown as consenting vendors, but the allegation is the cheque said to be issued towards sale consideration but not encashed all the sale consideration by cheques are given by accused No.4. Though in some of the sale deed it was referred as amount has been transferred through RTGS through the bank, but it is not stated the said amount has been given to the respondent account or not. Therefore, the police required to



investigate the matter to find out whether the sale consideration was actually received by the respondent or the petitioner accused Nos.1 and 2 themselves have shown as amount has been paid and as already held, any sale transaction without consideration is void. Of course, the purchasers and subsequent purchasers, who have purchased the sites from the respondent No.2., but it is very difficult to accept whether this amount has been actually paid or not, as the cheques were issued by the accused Nos.1 and 2. Therefore, there is some substance in the argument addressed by the respondent counsel, that amount has not been transferred towards the sale, when it was shown as amount has been paid by the accused Nos.1 and 2 through cheques and those cheques were not encashed. Such being the case, it is necessary for the police to investigate the matter. Of course, civil cases are pending before the courts for injunction and not for declaration of title. However, if the police investigate the matter, it will also help the Civil Court to come to the right conclusion or giving findings in the final judgment. It appears there is a creation of documents, forging the

signature in collusion with accused Nos.3 and 4 are not ruled out. Even if the present police not able to investigate the matter, then the Commissioner of Police or Deputy Commissioner of Police may direct the investigation to be done by the Corps Of Detective or Central Crime Branch police, in order to find out the truth. Therefore, I am of the view, considering facts and circumstances, there is no case made out by the petitioner for quashing the FIR. At this stage without going to the merits or without going to the investigation.

Accordingly, I pass the following;

All the three petitions filed by petitioners/accused persons are hereby ***dismissed***.

**Sd/-  
JUDGE**

AKV