



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH
DATED THIS THE 28TH DAY OF JUNE, 2024
BEFORE
THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY**

CRIMINAL PETITION NO.201000 OF 2023 (482)

C/W

CRIMINAL PETITION NO.201086 OF 2023 (482)

CRL.P.NO.201000 OF 2023

BETWEEN:

1. MAHANTESH
S/O SHIVAPUTRAPPAA,
AGE: 42 YEARS,
OCC: GOVERNMENT EMPLOYEE,
R/O. GANDHI NAGAR, MASKI,
DIST: RAICHUR.

2. SHIVAKUMAR S/O SHEELAPPA,
AGE: 41 YEARS,
OCC: VILLAGE ADMINISTRATIVE OFFICER,
R/O. GANDHI NAGAR, MASKI,
TQ: MASKI, DIST: RAICHUR-584 124.

3. UMAPATI S/O NINGAPPA,
AGE: 54 YEARS,
OCC: REVENUE INSPECTOR,
R/O. VENKATESHWAR COLONY,
SINDHANUR TOWN,
TQ: SINDHANUR,
DIST: RAICHUR-584128.

4. ASHOK S/O NAGAPPA,



AGE: 40 YEARS,
OCC: VILLAGE ADMINISTRATIVE OFFICER,
R/O. KILLA STREET MASKI,
TQ: MASKI, DIST: RAICHUR 584 124.

5. KRISHNA @ SHREE KRISHNA,
S/O TIMMAYYA,
AGE: 33 YEARS, OCC: SDA,
TAHASILDAR OFFICE, SINDHANUR,
R/O. PWD CAMP, SINDHANUR,
DIST : RAICHUR- 585 102.

6. S. SIDDARAJAIAH
@ SIDDARAJAIH H. S.
S/O S SHIVANNA
AGE: 48 YEARS,
OCC: LICENSED SURVEYOR,
R/O. PAMPA HOUSING COLONY,
MANVI, DIST: RAICHUR-585 102.

7. KASHIPATHI HUDDAR
S/O BASAVARAJ,
AGE: 37 YEARS,
OCC: GOVERNMENT SURVEYOR,
R/O. ALDAL, SHORAPUR TOWN,
DIST: YADAGIRI-585 202.

8. SHANTHAPPA AGAUSABAL
S/O RAMAPPA AGASABAL,
AGE: 49 YEARS,
OCC: SURVEY SUPERINTENDENT,
R/O. ADLR OFFICE, SINDGI,
TQ: SINDAGI,
DIST: VIJAYAPURA-586 101.

9. SATISH S/O SHETTEPPA,



NC: 2024:KHC-K:4416
CRL.P No. 201000 of 2023
C/W CRL.P No. 201086 of 2023

AGE: 62 YEARS,
OCC: RETIRED OF ADLR,
R/O. AT POST RAJAPUR,
KALABURAGI,
DIST: KALABURAGI-585 102.

...PETITIONERS

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH POLICE SINDHANUR,
TOWN POLICE STATION,
TQ: SINDHANUR,
DIST: RAICHUR-584 128,
REPRESENTED BY ADDL. SPP.,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585 102.

2. PAMPANAGOUDA
S/O VENKANAGOUDA,
AGE: 62 YEARS
OCC: AGRICULTURIST,
R/O. HAMPAHAL VILLAGE,
TQ: MASKI, OLD SINDHANUR,
DIST: RAICHUR-584 128.

...RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1;
SRI AVINASH A. UPLAONKAR, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE ORDER OF COGNIZANCE DATED 09.02.2023 AND ENTIRE CRIMINAL PROCEEDINGS IN C.C.NO.303/2023 (CRIME NO.17/2018) BY THE RESPONDENT POLICE FOR THE OFFENCES PUNISHABLE U/SECS. 120(B), 465, 466, 468, 471,



420 R/W 34 OF THE IPC PENDING ON THE FILE OF THE PRL.
JMFC COURT AT SINDHANUR.

CRL.P.NO.201086 OF 2023

BETWEEN

1. NAGANAGOUDA
S/O BASANAGOUDA MALI PATIL,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O. HAMPANAL VILLAGE,
TQ: SINDHANUR, DIST: RAICHUR,
NOW ADARSH COLONY,
SINDHANUR, DIST: RAICHUR-584 101.

2. NEELAMMA
W/O NAGANAGOUDA MALI PATIL,
AGE: 49 YEARS, OCC: HOUSEHOLD,
R/O. HAMPANAL VILLAGE,
TQ: SINDHANUR, DIST: RAICHUR.
NOW ADARSH COLONY, SINDHANUR,
DIST: RAICHUR-584 101.

...PETITIONERS

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
THROUGH POLICE SINDHANUR
TOWN POLICE STATION,
TQ: SINDHANUR,
DIST: RAICHUR-584 128,
REPRESENTED BY ADDL. SPP.,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.

2. PAMPANAGOUDA
S/O VENKANAGOUDA,
AGE: 62 YEARS,
OCC: AGRICULTURIST,
R/O. HAMPANAL VILLAGE,



TQ: MASKI (OLD SINDHANUR TALUKA),
DIST: RAICHUR-584 128.

...RESPONDENTS

(BY SRI VEERANAGAOUDA MALIPATIL, HCGP FOR R1;
SRI AVINASH A. UPLAONKAR, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE ORDER OF COGNIZANCE DATED 09.02.2023 AND ENTIRE CRIMINAL PROCEEDINGS IN C.C.NO.303/2023 (CRIME NO.17/2018) BY THE RESPONDENT SINDHANUR POLICE FOR THE OFFENCES PUNISHABLE U/SECS.120(B), 465, 466, 468, 471, 420 R/W 34 OF THE IPC PENDING ON THE FILE OF THE PRL. JMFC COURT AT SINDHANUR.

THESE PETITIONS ARE COMING ON FOR ADMISSION,
THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Accused Nos.1 to 11 are before this Court in these two criminal petitions filed under Section 482 of Cr.P.C with a prayer to quash the entire proceedings in C.C.No.303/2023 pending before the Court of the Principal Civil Judge and JMFC, Sindhanur arising out of Crime No.17/2018 registered by Sindhanur Police Station, Raichur for the offences punishable under Sections 120(B), 465, 466, 468, 471 and 420 read with Section 34 of IPC.

2. Heard the learned counsel for the parties.



3. FIR in Crime No.17/2018 was registered by the Sindhanur Police Station, Raichur against the petitioners herein for the aforesaid offences on the basis of the first information dated 01.02.2018 received from the second respondent herein. From a perusal of the averments made in the first information, it is seen that the parties to the dispute are all related to each other and allegation is that the private parties namely accused No.1 and 2 and the first informant are relatives, accused Nos.3 to 11 are all government officials. The allegation in the first information is that the Government Officials who are arrayed as accused Nos.3 to 11 had colluded with accused Nos.1 and 2 and on the basis of the fraudulent documents created the extent of land was extended which stood in the name of accused No.1. Accused No.2 is the wife of accused No.1. Accused No.1 allegedly had registered a sale-deed in favour of his wife on 10.11.2017 only with an intention to cause loss to the first informant. It is in this background, he had approached the police who had registered FIR in Crime No.17/2018 against the petitioners herein. After



investigation charge-sheet was filed for the aforesaid offences and Trial Court after taking cognizance of the charge-sheeted offences had issued summons to the petitioners. Being aggrieved by the same the petitioners are before this Court.

4. Learned counsel for the petitioners having reiterated the grounds urged in the petitions submits that the dispute between accused Nos.1 and 2 and the first informant is purely civil in nature. By giving a criminal texture criminal complaint is filed against accused Nos.1 and 2 and other government officials. He submits that the entries which were allegedly fraudulently made was challenged by the first informant unsuccessfully before the jurisdictional court of Assistant Commissioner. Therefore, it is evident that the allegation made in the criminal case against the accused persons is false.

5. *Per contra*, learned High Court Government Pleader for respondent No.1/State and learned counsel appearing for respondent No.2 have submitted that after



investigation charge-sheet has been filed against all the accused persons and merely for the reason that the revenue appeal filed by respondent No.2 has been now dismissed, it cannot be said that the charges levelled against the accused are false. They accordingly pray to dismiss the petition.

6. From a perusal of the averments made in the FIR, it is seen that the dispute between accused Nos.1 and 2 and the first informant is with regard to certain joint family properties and the said dispute is purely civil in nature. The allegation against accused Nos.1 and 2 is that in collusion with other accused, who are arrayed as accused Nos.3 to 11, they had created certain documents and on the basis of the said documents, the extent of land which stood in the name of accused No.1 was altered and on the basis of the entries fraudulently made in the name of accused No.1, he had created a sale deed in the name of his wife/accused No.2 with an intention to cause loss to the first informant.



7. The material on record would go to show that the alleged fraudulent entries made by accused Nos.1 and 2 in the revenue records in collusion with accused Nos.3 to 11 was challenged by respondent No.2 herein before the jurisdictional Court of Assistant Commissioner in two separate appeal proceedings initiated under Section 136(2) of the Karnataka Land Revenue Act, 1964 and the said appeals filed by respondent No.2 herein have been dismissed. Therefore, prima facie the material would go to show that the allegations made against the accused/petitioners by respondent No.2 about creation of documents appears to be false. Moreover, from a perusal of the averments made in the FIR and the allegations found in the charge sheet, it is seen that the dispute between the parties is purely civil in nature and a criminal texture is given by the first informant by alleging that on the basis of the created documents, entries in the revenue records of the family property were altered. Insofar as the civil dispute between the private parties are concerned, they are already before the competent authority and



NC: 2024:KHC-K:4416
CRL.P No. 201000 of 2023
C/W CRL.P No. 201086 of 2023

therefore, the impugned proceedings which is initiated against the petitioners herein by giving a criminal texture to the civil dispute if allowed to continue, the same would amount to abuse of process of law. Therefore, in the interest of justice, the impugned proceedings requires to be quashed. Accordingly, following order is passed:

ORDER

The criminal petitions are allowed.

The entire proceedings in C.C.No.303/2023 pending before the Court of the Principal JMFC, Sindhanur arising out of Crime No.17/2018 registered by Sindhanur Police Station, Raichur for the offences punishable under Sections 120B, 465, 466, 468, 471, 420 read with 34 of IPC as against the petitioners stands quashed.

**Sd/-
JUDGE**

SN/SRT
List No.: 1 SI No.: 31