HC-KAR
NC: 2026:KHC:56798
CRL.P No. 3770 of 2019
CNR: KAHC010151222019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 3770 OF 2019 (482(Cr.PC) / 528(BNSS))

BETWEEN:

1. ARALA DAMODAR PRABHU
S/O VISHWANATH PRABHU,
AGED ABOUT 65 YEARS,
R/AT MAIN ROAD, BANTWAL,
BANTWAL KASABA VILLAGE,
BANTWAL TALUK, D.K. - 574 211.

2. B. PURSHOTTAMA SHENOY
S/O B. GOPALA KRISHNA SHENOY,
AGED ABOUT 50 YEARS,
R/AT KASHI MATA LANE,
BANTWAL KASABA VILLAGE,
BANTWAL TALUK, D.K. - 574 211.

...PETITIONERS

(BY SRI. KETHAN KUMAR, ADVOCATE)

AND:

1. STAE BY BANTWAL TOWN POLICE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.

2. GILBERT MENEZES
S/O SALVADORE MENEZES,
AGED ABOUT 69 YEARS,
R/AT LOROTTO HOUSE,
AMTADY VILLAGE,
BANTWAL TALUK,
D.K. - 574 211.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. RAMAKRISHNA S. HEGDE, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.948/2017 (CRIME NO.53/2016) PENDING ON THE FILE OF THE HON'BLE ACJ AND JMFC BANTWAL, D.K., AGAINST THE PETITIONER FOR THE OFFENCE P/U/S.420 R/W SEC.34 OF IPC, BASED ON THE COMPLAINT LODGED BY 2nd RESPONDENT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioners and also the learned counsel appearing for the respondents.

2. This petition is filed under Section 482 of Cr.P.C. praying this Court to quash the proceedings initiated against

the petitioners, who have been arraigned as accused Nos.2 and 3, in C.C. No.948 of 2017 pending on the file of the ACJ and JMFC, Bantwal, D.K., for the offences under Section 420 read with Section 34 of IPC.

3. The factual matrix of the case of prosecution is that these petitioners have indulged in selling the property belongs to the respondent No.2-complainant in respect of the land in Sy. No.214/3 to the extent of 47 guntas situated at Bantwal Kasaba Village, Bantwal Taluk, and hence, based on the complaint, police registered the case, investigated the matter and filed the charge sheet.

4. Learned counsel appearing to the petitioners submits that, originally, the property belonged to the temple, but subsequently, occupancy right was granted in favour of the father of complainant-respondent No.2 and the same was not within the knowledge of the petitioners. The learned counsel also brought to notice of this Court that immediately after the petitioners came to know that the grant was made in favour of father of complainant-respondent No.2, amount was also

deposited and hence, there cannot be any criminal prosecution and it amounts to abuse of process of law. Hence, prayed this Court to quash the same.

5. Per contra, learned counsel appearing for respondent No.2 brought to the notice of this Court about the statement of objections filed before this Court, wherein the he has relied upon the documents at Annexures R1 to R9. Annexure R1 is the order of occupancy right granted by the Land Tribunal. The learned counsel also brought to notice of this Court that the original owner represented before the Land Tribunal and now, the petitioners cannot say that they are not having the knowledge about the same. Form No.10 is also produced as Annexure R2. So also the memorandum of plaint filed in O.S. No.98 of 2016 pending on the file of the Civil Judge, Bantwal, is produced as Annexure R3. The order dated 25.10.2017 passed in M.A. No.1 of 2017 on the file of Principal Senior Civil Judge and JMFC Bantwal, D.K. is produced as per Annexure R4. These documents clearly indicate that the property stands in the name of the father of complainant-respondent No.2. However, the petitioners sold the property taking advantage of

the entry found in the RTC and hence, it is a clear case of trial and not exercising the power under Section 482 of Cr.P.C.

6. Having heard the learned counsel appearing for the petitioners and also the learned counsel appearing for the respondents, it is clear that the petitioners have not disclosed the execution of the sale deed. The contention of complainant-respondent No.2 is that when the land was granted in favour of the father of the complainant-respondent No.2 before the Land Tribunal, it was within the knowledge of the these petitioners. But, the petitioners along with others sold the said property, and therefore, the matter requires a detailed trial before the Court below and this Court cannot consider the defence of the petitioners that they were not having any knowledge about the same and hence, I do not find any ground to exercise the power under Section 482 of Cr.P.C. The scope of Section 482 is very limited and the defence cannot be considered and those grounds which have been urged before this Court also could be taken as a defence before the trial Court.

7. When this Court comes to such conclusion, at this juncture, learned counsel appearing for the petitioners makes the submission that the God cannot represent before the Court or Land Tribunal. The said submission is made when the counsel did not get the favourable order. The counsel cannot expect an order in his favour and such submission is not sustainable in the law. The temple to whom the petitioners represented, they are in the affairs of temple and the grant order also not challenged and the same has attained its finality. The very conduct of the counsel depraved and amounting to contempt. In stead of initiating contempt, it is appropriate to impose the cost and the counsel should not venture to behave in such passion. In view of the above submission, this Court finds to direct the petitioners to pay Rs.15,000/- for the conduct of the learned counsel for the petitioners for having appointed such counsel to defend the petitioners.

8. In view of the above discussions, I pass the following order:

This petition is dismissed with an exemplary cost of Rs.15,000/- payable to the Registry within one week from today. If the cost is not paid, the Registry is directed to recover as the arrears of land revenue.

Sd/-
(H.P.SANDESH)
JUDGE

CS
List No.: 1 Sl No.: 33