

2026 LiveLaw (SC) 368

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
VIKRAM NATH; J., SANDEEP MEHTA; J.

APRIL 13, 2026.

SLP(Criminal) Diary No(s). 20175, 20213 of 2022; SLP(Criminal) No(s). 1749-1751 of 2024
ACCAMMA SAM JACOB versus THE STATE OF KARNATAKA & ANR. ETC.

Criminal Procedure – Quashing of FIR – Section 482 of the Code of Criminal Procedure, 1973 (CrPC) – Interference at the Stage of Investigation under Section 156(3) CrPC – The Supreme Court set aside a High Court judgment that quashed an FIR at the inception stage - The High Court had reasoned that the dispute was primarily civil and required the cancellation of sale deeds under Section 31 of the Specific Relief Act before criminal proceedings could be sustained - The Supreme Court held that the existence of a civil remedy does not bar criminal proceedings if the allegations *prima facie* disclose a cognizable offence - At the stage of Section 156(3) CrPC, a Magistrate is only required to determine if a cognizable offence is disclosed, not to conduct a "mini-trial" or evaluate defense material - High Courts must exercise restraint and only intervene under Section 156(3) if the order lacks legal foundation or results in a failure of justice.

Specific Relief Act, 1963 – Section 31 – Intersection with Criminal Law – Held, it is a gross error to hold that criminal proceedings cannot be initiated unless registered instruments (like sale deeds) relied upon by the accused are first cancelled by a civil court - Civil and criminal remedies can proceed simultaneously even when allegations are identical. [Relied on *Neeharika Infrastructure (P) Ltd. v. State of Maharashtra (2021) 19 SCC 401; Paras 41-60*]

For Petitioner(s): Mr. Santosh Paul, Sr. Adv. Mr. Sriharsh Nahush Bundela, AOR Mr. Raghav Dixit, Adv. Ms. Aditi Rai, Adv. Mr. Naveen Kumar, Adv. Mr. Rahul Singh, Adv. Mr. Ranji Thomas, Sr. Adv. Mr. Varinder Kumar Sharma, AOR Mr. S.S. Hooda, Adv. M/S. Hooda & Co., AOR

For Respondent(s): Mr. P Niroop, Sr. Adv. Mr. Manoj C. Mishra, AOR Mr. Chandan Kumar, Adv. Mr. Venkat Ramana Reddy, Adv. Mr. Venkatramana Reddy, Adv. Mr. B Veera Swamy Raju, Adv. Mr. Avishkar Singhvi, A.A.G. Mr. Sanchit Garga, AOR Mr. Kunal Rana, Adv. Mr. Shashwat Jaiswal, Adv. Mr. V. S. Narayana, Adv. Mr. Sanjay Kumar Visen, AOR Mr. V. S. Narayna, Adv. Ms. Himani Bhatanagar, Adv. Mr. Manur Srinivas, Adv. Mr. Prashant Sharma, Adv. Mr. Parth Sarathi, Adv. Mr. Gaurav Maan, Adv. Ms. Soumya Gulati, Adv.

J U D G M E N T

Mehta, J.

1. Heard.
2. Delay condoned.
3. Leave granted.
4. These connected appeals by special leave, take exception to the common judgment and order dated 28th September, 2016 passed by the High Court of Karnataka at Bengaluru¹, and arise out of substantially similar complaints relating to lands forming part of Survey No.12 of Doddagubbi Village, Bengaluru, and involve common accused persons, interconnected transactions and identical issues concerning the scope of interference by the High Court under Section 482 of the Code of Criminal Procedure,

¹ Hereinafter, referred to as the "High Court".

1973². Though each complaint contains certain individual-specific allegations with reference to distinct plot numbers and instances of criminal intimidation, etc. the gravamen of accusations, namely the alleged creation of forged General Powers of Attorney³, execution of sale deeds, and subsequent confirmation deeds in respect of the same survey land, remains identical. Since the impugned order is common in all the appeals and the factual substratum is intertwined, the entire batch of appeals was heard and is being decided together by this common judgment.

5. For the sake of convenience and to avoid repetition, the facts are being noticed primarily from Criminal Appeal arising out of SLP (Crl.) Diary No.20175 of 2022, which is treated as the lead matter, and the conclusions recorded herein shall govern the outcome of the connected appeals as well, save and except where any distinguishing feature warrants separate consideration.

Factual Matrix in the Lead Appeal

6. The substratum of allegations contained in the complaint, insofar as they are relevant for the present proceedings, are briefly noted hereunder.

7. Lands comprised in Survey No.12 of Doddagubbi Village, Bengaluru, were originally owned by Bajjappa and other co-owners⁴. The said landowners executed GPAs in the year 1994 in favour of the developer-Joseph Chacko, pursuant to which he undertook development of a residential layout styled as “*Athina Township – Stage I*”.

8. The complainant-Accamma Sam Jacob⁵, an NRI residing in Toronto, Canada, purchased a residential plot admeasuring 60 feet × 80 feet, bearing Plot No. 79 in the year 1994, in the said layout under a registered sale deed executed by the developer Joseph Chacko. It is stated that the sale deed was duly registered in the name of the complainant with reference to the *Gramathana* House List numbers assigned to the property and that the *khatha* was subsequently transferred in her favour. Several similarly placed purchasers, as the complainant, had acquired the plots as investment properties and therefore did not undertake immediate construction. During the years 2003-2004, the developer-Joseph Chacko is stated to have requested the NRI purchasers to commence construction on their respective plots.

9. Towards the end of 2006, which, according to the complainant, marks the commencement of the alleged conspiracy, she was informed by George Varghese (also arraigned as an accused in the present complaints), then an employee of the developer-Joseph Chacko, that K.S. Shankar Reddy (accused-respondent), K.S. Balasundar Reddy (accused-respondent), B.K. Mohan Kumar, Satish Kumar and others had forcibly entered the layout and caused extensive damage. It was alleged that compound walls, storm water drains and electricity poles were demolished with the aid of heavy machinery, and boards bearing the name “City Scape Properties” were erected within the layout.

10. Thereafter, George Varghese, Jacob Thomas, and Raju C. Ninan (who are also arrayed as accused in the present complaints) formed an association styled as the “Athina Township Welfare Society”, with Jacob Thomas as President, George Varghese as Vice-President, and Raju C. Ninan as Secretary. It is alleged that communications were circulated to several NRI purchasers advising them to join the said association for the purpose of initiating legal proceedings against the developer-Joseph Chacko. An e-mail dated 16th January 2007, placed on record, indicated that a criminal petition was being

² For short, ‘CrPC’.

³ For short, ‘GPAs’.

⁴ Hereinafter, referred to as the “original landowners” ⁵ Hereinafter, referred to as the “complainant”.

prepared against the developer-Joseph Chacko, in consultation with legal advisors. According to the complainant, the aforesaid narrative was false and concocted and was projected by the said persons with a view to mislead the plot purchasers.

11. In May 2007, George Varghese circulated an MoU among several NRI purchasers seeking authorisation to represent them before governmental and revenue authorities. The purchasers were also requested to hand over the original title documents relating to their plots on the fraudulent representation that legal complications had arisen in respect of the lands forming part of Athina Township Stage-I and that steps were required to rectify the revenue records, including the RTC (*Pahani*) entries. Monetary contributions were also sought from the purchasers.

12. On 16th June 2009, the developer-Joseph Chacko was arrested in connection with criminal proceedings. The complainant was thereafter informed that lands comprised in Survey No.12, including the layout in question, had been sold to third parties. She travelled to Bengaluru in July 2009 and was shown copies of sale deeds executed in favour of K.V. Rajagopal Reddy (accused-respondent).

13. During this period, she was asked to sign certain documents and provide her photograph and thumb impression on the assurance that the same were required for filing proceedings in the civil Court. At that time, her original sale deed was allegedly taken away on the pretext of making copies, and she was later handed a coloured photocopy in its place.

14. When enquiries were made with George Varghese, he denied having custody of the original documents. The complainant thereafter caused enquiries to be made as to whether any civil proceedings had been instituted on her behalf, and was shocked to find that no such suit had ever been filed in her name or on her behalf. Reference is also made to O.S. No.392/2007, in which pleadings filed by K.S. Shanker Reddy and B.K. Mohan Kumar contained statements regarding their lack of ownership or possession over the suit property. On basis of these allegations, the complainant asserts that the civil proceedings were collusive in nature and that she had been misled into parting with money and documents and had been deprived of her lawfully owned piece of land.

15. Upon making enquiries regarding the status of her plot, the complainant was informed that the property had been transferred in the name of K.V. Rajagopal Reddy on the basis of a confirmation deed dated 20th July 2009, registered as Document No. 975/2009-10, which purportedly bore her signature. She maintains that she never intended to execute any such confirmation deed conveying or affirming transfer of the property and that her signatures had been obtained on the misrepresentation that the same were required to swear affidavits and prepare papers for instituting civil proceedings. The confirmation deed was thereafter used to effect transfer of the property in favour of K.V. Rajagopal Reddy, though the complainant alleged that she had neither consented to such transfer nor received any consideration.

16. Based on these allegations, the complainant contends that George Varghese and the other accused persons misrepresented the nature of the documents presented to her and procured her signatures under false pretences, resulting in execution and registration of the confirmation deed without her informed consent and its subsequent use to transfer the property. Criminal liability is also attributed to K.V. Rajagopal Reddy and certain others on the ground that they acted upon the said confirmation deed and related documents despite having complete knowledge of the attending circumstances pertaining to fraud and misrepresentation in execution thereof. On these assertions, offences under various

provisions of the Indian Penal Code, 1860⁵, including those relating to theft, criminal breach of trust, cheating, forgery, preparation and use of forged documents and criminal conspiracy, have been invoked.

17. The complainant alleges that fresh GPAs were subsequently obtained from the original landowners and sale deeds were executed in favour of certain accused persons, including K.V. Rajagopal Reddy (accused-respondent). Confirmation deeds purportedly bearing the signatures of certain NRI plot purchasers were created without lawful authority and were intended to retrospectively validate an otherwise defective chain of title in respect of Survey No.12. The confirmation deeds do not bear the signatures of the original landowners, and no independent sale deeds were executed reconveying the plots from the NRI purchasers to them.

18. The complainant contends that the cumulative effect of the aforesaid transactions was to concentrate control over substantial portions of Survey No. 12 in persons or entities associated with the family of one K.C. Ramamurthy (arrayed as one of the accused and alleged to be the principal architect of the conspiracy), purportedly for the benefit of the CMR Group of Institutions. It is the case of the complainant that the accused acted in concert pursuant to a premeditated design to deprive the NRI plot purchasers of their properties through a series of documentary instruments executed without lawful authority.

19. It is further stated that when the developer Joseph Chacko had declined demands to transfer the entire extent of Survey No. 12, this fraudulent design was hatched and set in motion to exert pressure upon him and the NRI purchasers.

20. A detailed complaint containing the above allegations was submitted to the jurisdictional Kothanuru Police Station, which declined to entertain the same, upon which the complainant presented a private complaint before the learned XI Additional Chief Metropolitan Magistrate, Mayo Hall, Bengaluru, setting out the aforesaid allegations. Upon consideration of the averments contained therein, the ACMM, by order dated 6th November 2013, exercised powers under Section 156(3) of CrPC and directed that the complaint be forwarded to the jurisdictional police for registration of an FIR and investigation in accordance with law.

21. Pursuant to the said order, the jurisdictional Police Station, i.e., Kothanuru P.S., Bengaluru City, registered FIR in Crime No.162/2013 on 16th November, 2013, against sixteen accused persons, namely, K.S. Balasundar Reddy, K.S. Shanker Reddy, K.C. Ramamurthy, K.V. Rajgopala Reddy, George Varghese, Satish Kumar, Biju M. Parel, Raju C. Ninan, Jacob Thomas @ Shaji Mangaltu, B.K. Mohan Kumar, Jerry Soman, Soman Vazhayil Abraham, Mohan Vazhayil Abraham, Suresh John, Subramani Reddy, C.I. Ravindranath for offences punishable under Sections 379, 381, 383, 415, 420, 409, 463, 465, 466, 467, 468, 471, 474, 477, 107, 115, 116(1), 117, 118, 120 and 120-B IPC.

22. Aggrieved by the registration of FIR, the accused-respondents, namely, K.S. Shanker Reddy, K.S. Balasundar Reddy, and K.V. Rajagopal Reddy, approached the High Court by filing petitions under Section 482 CrPC seeking quashing of the criminal proceedings emanating from the FIR in Crime No.162 of 2013.

23. The High Court, after hearing the parties, allowed the petitions and quashed the proceedings *vide* the common impugned judgment dated 28th September, 2016. It examined the nature of the rival claims and noted that the sale deeds in favour of the complainants pertained to specific layout plots described by house list numbers, but

⁵ For short, 'IPC'.

without clear reference to corresponding survey numbers, whereas the sale deeds relied upon by the accused respondents related to larger extents of land described by survey numbers and acreage. In view of this clear distinction, the High Court opined that the identity of the land and the question of overlap between the rival claims constituted seriously disputed questions of fact requiring adjudication by a competent civil Court.

24. Proceeding on this basis, the High Court observed that unless the registered instruments relied upon by the accused were cancelled and delivered up in terms of Section 31 of the Specific Relief Act, 1963⁶, a criminal Court could not proceed on the premise that such sale deeds were void, as any such determination would amount to a declaration of civil invalidity lying beyond the domain of criminal jurisdiction.

25. The High Court further observed that even the order passed by the Magistrate under Section 156(3) CrPC was unsustainable for want of proper application of mind. Consequently, the criminal proceedings emanating from the FIRs were quashed.

26. It is against the aforesaid common judgment dated 28th September, 2016 that the appellants (*defacto* complainants) have approached this Court by way of present appeals arising out of special leave petitions.

Submissions on behalf of the appellants

27. Learned counsel appearing for the appellants vehemently and fervently contended that the High Court erred in quashing the complaint and FIR at the threshold. It was submitted that the allegations in the complaint, taken at face value, clearly disclose commission of cognizable offences, including those of cheating, creation and, use of forged documents and criminal conspiracy, and therefore the High Court ought not to have exercised its inherent jurisdiction under Section 482 CrPC so as to quash the criminal proceedings at the inception.

28. Learned counsel argued that the High Court fell into serious error in holding that criminal proceedings could not be initiated unless the sale deeds relied upon by the accused were first cancelled under Section 31 of SRA. It was submitted that initiation of civil proceedings for cancellation is not a *sine qua non* for launching criminal prosecution and that civil and criminal remedies can proceed simultaneously even where allegations are identical.

29. It was further contended that the High Court failed to appreciate that the power under Section 482 CrPC is to be exercised sparingly and only in cases where the complaint, even if accepted in entirety, does not disclose any offence. It was urged that the High Court undertook an expansive evaluation of disputed questions of fact which exercise could only be undertaken in a full-fledged trial. It prematurely concluded that the dispute was purely civil in nature.

30. Learned counsel also submitted that the Magistrate's order under Section 156(3) CrPC directing investigation did not warrant interference, particularly when the investigation had only commenced, and the material collected by the investigating agency *prima facie* supported the allegations set out in the complaint.

31. It was submitted that the High Court erred both on facts and in law in quashing the entire proceedings in respect of all accused persons, including those who were not parties before it. On these grounds, the appellants have implored this Court to set aside the

⁶ For short, "SRA".

impugned judgment and restore the criminal prosecution at the stage where it was quashed.

Submissions on behalf of the accused respondents

32. *Per contra*, learned counsel appearing for the accused-respondents strenuously opposed the submissions of learned Counsel for the appellants and supported the impugned common judgment passed by the High Court.

33. It was contended at the outset that the criminal proceedings launched by the appellant-complainant are a gross abuse of the process of law and are nothing but an attempt to convert a purely civil dispute over property rights into a criminal prosecution with an oblique motive of pressurising and harassing the respondents.

34. Learned counsel appearing for K.V. Rajagopal Reddy urged that respondent-K.S. Balasundar Reddy had obtained duly registered GPAs from the original grantees/landowners of Survey No.12, Doddagubbi Village, Bengaluru East Taluk, covering an extent of approximately 11 acres 4½ guntas. On the strength of such registered GPAs, sale deeds were executed in his (K.V. Rajagopal Reddy's) favour and other purchasers for valid consideration. It was argued that these are registered instruments and cannot be casually labelled as "forged" or "fabricated" without first seeking their cancellation in competent civil proceedings.

35. It was further submitted that the allegations set out by the appellants in the complaint pertain to title, identity and alleged overlap of land parcels. Such questions necessarily require adjudication by a civil Court or by a competent Revenue Authority. Unless the registered sale deeds validly executed in favour of the respondents for consideration are cancelled under Section 31 of SRA, criminal prosecution cannot be permitted to proceed merely on the allegation that such instruments are void as being borne out of fraud and forgery unless such a declaration is made by the competent civil Court.

36. It was submitted that appellants had purchased plots from the developer-Joseph Chacko, and not from the present respondents. Therefore, if any grievance subsists, the appellants' remedy lies against their own vendor and not against the respondents, who independently and lawfully acquired title from the original landowners. There being no dispute about the signatures of the vendor on the registered sale deeds, the documents cannot be termed to be forged and the necessary ingredients of fraud and falsification of documents are totally lacking upon a bare perusal of the complaint.

37. It was further contended that admittedly the appellant(s) have instituted civil suits in respect of the same subject matter and they suppressed material facts while invoking criminal jurisdiction. The belated filing of the appeals, after enormous delay, was also highlighted as indicative of lack of *bona fides*.

38. Learned counsel appearing for the accused-respondents, therefore, prayed for dismissal of the appeals and affirmation of the impugned judgment.

Discussion and Analysis

39. We have given our thoughtful consideration to the submissions advanced by learned counsel at the bar and have gone through the impugned judgment and the material available on record.

40. Considered in light of the rival submissions, the core question which arises for consideration is whether in the peculiar facts of the case, the High Court was justified in

exercising jurisdiction under Section 482 CrPC to quash the complaint and FIR at a stage when the learned Magistrate had merely directed investigation under Section 156(3) CrPC.

41. At the very outset, it would be apposite to note that FIRs registered against the developer-Joseph Chacko, involving substantially similar allegations, were also quashed by the High Court *vide* judgment and order dated 25th October, 2016, on more or less the same line of reasoning. In those matters as well, the complainants were Non-Resident Indians (NRIs) who had allegedly purchased plots in the project known as “Athina Township” and other layouts from the said developer. It was alleged in those complaints that the developer-Joseph Chacko had represented that the layouts were duly converted lands and were being developed with requisite infrastructure and civic amenities. The purchasers were assured that the plots carried valid house-list *khatas* and that the layouts would be provided with roads, community spaces, recreational facilities and other allied amenities. However, upon making enquiries subsequently, the purchasers allegedly discovered that the *khata* numbers were bogus and that the layouts had not been lawfully developed. It was further alleged that when the purchasers attempted to assert their possession over the plots, they were obstructed and threatened, which ultimately led to the registration of multiple criminal complaints against the developer-Joseph Chacko, and other accused persons.

42. A comparative reading of the complaints in the said prosecution and the complaints in the present set of appeals reveal that the substratum of allegations is substantially similar. In both sets of cases, it is alleged that the layout known as “Athina Township” was trespassed upon, compound walls and other demarcations were demolished, and boards of an entity styled as “Cityscape Properties” were erected upon the land.

43. The principal point of divergence lies not in the nature of the incident, but in the identity of the alleged perpetrators. While in the earlier batch, the acts of trespass and demolition were attributed to the developer-Joseph Chacko and his associates, the present complaints attribute these acts to K.S. Shankar Reddy, K.C. Ramamurthy, K.V. Rajagopal Reddy, George Varghese and others, coupled with the assertion that the earlier narrative itself formed part of a larger fraudulent design. The complaints thus present competing versions of the same occurrence, each attributing culpability to a different set of perpetrators.

44. Significantly, in both sets of complaints, the allegations do not rest merely on physical acts of trespass and destruction, but extend to a broader scheme involving fraud, fabrication of documents, and unlawful interference with property rights. The alleged demolition of the layout is stated to have been accompanied by, and indeed to have facilitated, subsequent transactions and documentary instruments affecting title to the land.

45. The High Court, while quashing the cases/FIRs against developer-Joseph Chacko *vide* judgment dated 25th October, 2016, adopted a line of reasoning which is substantially similar to that contained in the judgment impugned herein. The appellants have placed before us a comparative chart juxtaposing the two judgments dated 25th October, 2016, and 28th September, 2016 (impugned judgment in the instant appeals), highlighting the similarity in the reasoning adopted therein. The said chart is reproduced hereinbelow for ready reference:

Judgment dated 25 th Oct. 2016	Judgment dated 28 th Sep. 2016 [Impugned herein]
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3. These petitions are filed by the accused in criminal petitions who are differently arrayed in the several complaints filed. However, the grievance of the complainants appears to be identical. The complainants are said to have purchased the lands described as sites bearing house list numbers of several villages in Hosakote, K.R.Puram and Dodda Gubbi villages. It transpires that the complainants had purchased the house sites through a general power of attorney holder of the original grantees and they were purportedly put in possession of the vacant sites. It is subsequently learnt by them that the house sites formed in the layout, were no longer identifiable, as third parties had intervened and it is in retrospect they learnt that the accused have purchased the same under registered sale deeds in the face of the sale deeds in favour of the complainants and therefore they have alleged offences punishable under the various provisions of the Indian Penal Code, 1860 (Hereinafter referred to as the 'IPC', for brevity) alleging fraud, forgery, trespass and criminal conspiracy and so on. The court below having taken cognizance, the present petitions were filed and interim orders of stay were granted staying further proceedings.

4. At the outset, it is to be noticed that the allegations of forgery etc., in respect of the incidental documents pursuant to the registered sale deed in favour of the complainants could not be adjudicated in a criminal case, for the reason that unless the registered sale deed is cancelled and delivered up in terms of Section 31 of the Specific Relief Act, 1963, the same cannot be ignored. The court would not be in a position to proceed on the basis that the sale deeds set up by the complainants are void ab initio. This would again amount to a declaration by a criminal court that the sale is void, which is impermissible. Therefore, in the face of the registered sale deed, which the complainants may claim, was a subsequent conveyance and could not override their sale deeds, which is earlier in point of time, also cannot be readily accepted, since it is an admitted fact that the sale deeds in favour of the complainants is in respect of particular plots of land without reference to any survey number. Admittedly, the lands in question are not converted for non-agricultural purpose. In the face of the further circumstance that the sale deeds in favour of the petitioners herein are in respect of acreage of lands bearing survey numbers, the identity would be a serious matter to assume that

2. These petitions are filed by the accused in criminal petitions who are differently arrayed in the several complaints filed. However, the grievance of the complainants appears to be identical. The complainants are said to have purchased the lands described as sites bearing house list numbers of several villages in Hosakote, K.R.Puram and Dodda Gubbi villages. It transpires that the complainants had purchased the house sites through a general power of attorney holder of the original grantees and they were purportedly put in possession of the vacant sites. It is subsequently learnt by them that the house sites formed in the layout, were no longer identifiable, as third parties had intervened and it is in retrospect they learnt that the accused have purchased the same under registered sale deeds in the face of the sale deeds in favour of the complainants and therefore they have alleged offences punishable under the various provisions of the Indian Penal Code, 1860 (Hereinafter referred to as the 'IPC', for brevity) alleging fraud, forgery, trespass and criminal conspiracy and so on. The court below has, by a cryptic order directed investigation by the jurisdictional Police under Section 156(3) of the Code of Criminal Procedure, 1973 (Hereinafter referred to as the 'CrPC', for brevity). It is at that stage that the present petitions were filed and interim orders of stay were granted staying further proceedings.

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<p>the sites purchased by the complainants overlap the lands purchased by the petitioners. This is an area which requires to be adjudicated by a civil court and in the absence of which, a criminal court would hardly be in a position to appreciate the premise under which the complaints are filed. Therefore, the complaints are premature and would lack the basic foundation to demonstrate that the sale deeds of the petitioners are void.</p> <p>5. Hence, the remedy of the complainants would only be before a civil court, where they would be enabled to have the sale deeds of the petitioners declared as void, if it is their case that they are void and thereafter may pursue all consequential remedies of even criminal prosecution for having proceeded to lay claim to the lands under a void sale deed.</p> <p>Consequently, the Magistrate having taken cognizance, cannot be sustained. Since the complaint itself was not sustainable, before the court below in the circumstances which are not disputed, the petitions are summarily allowed. The proceedings initiated before the court below in each of these petitions are quashed.</p>	<p>accepted, since it is an admitted fact that the sale deeds in favour of the complainants is in respect of particular plots of land without reference to any survey number. Admittedly, the lands in question are not converted for non-agricultural purpose. In the face of the further circumstance that the sale deeds in favour of the petitioners herein are in respect of acreage of lands bearing survey numbers, the identity would be a serious matter to assume that the sites purchased by the complainants overlap the lands purchased by the petitioners. This is an area which requires to be adjudicated by a civil court and in the absence of which, a criminal court would hardly be in a position to appreciate the premise under which the complaints are filed. Therefore, the complaints are premature and would lack the basic foundation to demonstrate that the sale deeds of the petitioners are void.</p> <p>4. Hence, the remedy of the complainants would only be before a civil court, where they would be enabled to have the sale deeds of the petitioners declared as void, if it is their case that they are void and thereafter may pursue all consequential remedies of even criminal prosecution for having proceeded to lay claim to the lands under a void sale deed.</p> <p>Consequently, the Magistrate having directed investigation by the Police, by a cryptic order, also cannot be sustained, for it is the law laid down by this court as well as the Supreme Court that even for purposed of directing investigation, there ought to be some application of mind not to the degree of taking cognizance of the case, but at least to decide that the matter requires investigation. Even on that ground, the order of the court below is not sustainable. In any event, since the complaint itself was not sustainable, before the court below, in the circumstances which are not disputed, petitions are summarily allowed. The proceedings initiated before the court below in each of these petitions are quashed.</p>
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46. The special leave petitions arising out of the judgment dated 25th October, 2016 were initially heard along with the present batch of appeals, as the allegations and legal issues involved appeared to be substantially similar. However, by order dated 28th November, 2024, the present batch of appeals was de-tagged from the earlier matters.

47. It is pertinent to note that by the self-same order⁷ dated 28th November, 2024, this Court allowed the appeals involving the developer-Joseph Chacko and set aside the judgment dated 25th October, 2016.

48. While allowing the appeals, this Court observed that the High Court had quashed the proceedings in a cryptic and cursory manner without assigning cogent reasons. It was further noticed that in most of those cases, charge-sheets had already been filed and yet the High Court proceeded to quash the proceedings.

49. This Court further observed that in cases where serious allegations of fraud, forgery, trespass and criminal conspiracy affecting a large group of persons were involved, the High Court ought to have exhibited restraint while invoking its inherent jurisdiction under Section 482 CrPC.

50. Accordingly, without expressing any opinion on the merits of the cases, this Court concluded that the High Court had committed a gross error in quashing the proceedings without properly considering the serious allegations made against the accused therein and without granting opportunity of hearing to the complainants. Based on the said reasoning, the impugned judgment therein, i.e., order dated 25th October, 2016 was set aside and the cases were restored to the files of the concerned trial Court(s), leaving all contentions open to be urged by the accused before the trial Court.

51. In our considered view, the fact that the judgment of the High Court dated 25th October, 2016 has already been set aside by this Court itself furnishes a sufficient ground to condone the delay and extend similar relief in the present batch of appeals. Upon a careful perusal of the judgments passed by the High Court i.e., one in the present appeals and the other in the case involving Joseph Chacko as the accused, we find that the reasoning adopted by the High Court in both cases proceeds on substantially identical lines and rests on the same foundational premise, namely, that the dispute between the parties is predominantly civil in nature and that criminal proceedings could not be sustained unless the registered sale deeds were first cancelled by resorting to proceedings under Section 31 of SRA. In such circumstances, the divergence in attribution cannot be a ground to discard the present complaints at the threshold. On the contrary, the existence of rival narratives in respect of the similar allegations underscores the necessity of a proper investigation to ascertain the identity and role of the persons involved.

52. In the present set of appeals, the proceedings were at a nascent stage. The Magistrate had merely exercised jurisdiction under Section 156(3) of CrPC and directed investigation by the police. It cannot be gainsaid that while exercising jurisdiction under Section 156(3) of CrPC, the Magistrate is required to merely peruse the application filed by the complainant and examine whether the facts disclosed therein *prima facie* disclose the necessary ingredients of cognizable offences requiring investigation by police. The Magistrate is not expected to undertake an exhaustive evaluation of evidence nor adjudicate upon the merits of the allegations. If the Magistrate arrives at the conclusion that *prima facie* a cognizable offence is disclosed, then he would be fully justified in directing the concerned SHO to register an FIR and proceed with investigation in accordance with law. The High Court, while exercising its inherent jurisdiction under Section 482 of CrPC, must remain circumspect in interfering with such an exercise of

⁷ *The State of Karnataka v. Joseph Chacko and Anr.*, Criminal Appeal Nos. 5207-5221 of 2024.

power and ought to intervene only where it is evident that the order lacks any legal foundation; suffers from perversity or that the same may result in failure of justice.

53. In such circumstances, the High Court, while exercising its inherent jurisdiction, should not travel beyond the allegations contained in the complaint and the material placed by the complainant by delving into the defences sought to be projected by the accused-respondents.

54. The facts in the case at hand manifest that the High Court proceeded to examine documents relied upon by the accused-respondents, including the sale deeds executed in their favour, and treated the same as determinative of the dispute and observed that the sale deeds must be cancelled and delivered up first, before the criminal law could be set into motion. Such an exercise was clearly beyond the permissible scope of scrutiny in a petition for quashing under Section 482 of CrPC. Consideration of defence material, including sale deeds or other title documents would necessarily involve adjudication on disputed questions of fact, which fall squarely within the domain of investigation and, if necessary, trial. Any such exercise at the stage of Section 156(3) of CrPC would amount to conducting a mini-trial and would be wholly impermissible. Permitting such defence material to be weighed at the threshold would frustrate and defeat the very purpose of directing an investigation by the police.

55. This Court has, time and again, emphasised that criminal investigation ought not to be scuttled at the threshold except in cases where the complaint *ex facie* does not disclose the commission of any cognizable offence or where continuation of the proceedings would amount to an abuse of the process of law. The power of the High Court under Section 482 of CrPC or Article 226 of the Constitution of India to interdict investigation is to be exercised with great circumspection, bearing in mind the statutory duty of the investigating agency to inquire into cognizable offences. The said position has been eruditely explained by this Court in ***Neeharika Infrastructure (P) Ltd. v. State of Maharashtra***⁸, wherein it was observed as under: -

“In a given case, there may be allegations of abuse of process of law by converting a civil dispute into a criminal dispute, only with a view to pressurise the accused. Similarly, in a given case the complaint itself on the face of it can be said to be barred by law. The allegations in the FIR/complaint may not at all disclose the commission of a cognizable offence. In such cases and in exceptional cases with circumspection, the High Court may stay the further investigation. However, at the same time, there may be genuine complaints/FIRs and the police/investigating agency has a statutory obligation/right/duty to enquire into the cognizable offences. **Therefore, a balance has to be struck between the rights of the genuine complainants and the FIRs disclosing commission of a cognizable offence and the statutory obligation/duty of the investigating agency to investigate into the cognizable offences on the one hand and those innocent persons against whom the criminal proceedings are initiated which may be in a given case abuse of process of law and the process. However, if the facts are hazy and the investigation has just begun, the High Court would be circumspect in exercising such powers and the High Court must permit the investigating agency to proceed further with the investigation in exercise of its statutory duty under the provisions of the Code.**”

[Emphasis supplied]

Applying the aforesaid principles to the case at hand, it becomes evident that the High Court has transgressed the well-settled boundaries governing the exercise of powers under Section 482 CrPC at the threshold stage. The order impugned before the High Court was one passed by the learned Magistrate under Section 156(3) of CrPC, whereby the

⁸ (2021) 19 SCC 401.

police were merely directed to register an FIR and to undertake investigation in accordance with law. At such a stage, the Court is only required to ascertain whether the allegations in the complaint disclose the commission of a cognizable offence warranting investigation.

56. In the facts and circumstances noted above, it was not at all justified for the High Court to have quashed proceedings merely on the ground that the dispute appeared to be civil in nature. It is well settled that the mere existence of a civil remedy does not by itself bar criminal proceedings where the allegations *prima facie* disclose commission of a cognizable offence. By entering into an evaluation of the dispute on merits and proceeding to quash the order directing investigation, the High Court effectively stifled the investigative process at its inception. Such an approach runs contrary to the principles consistently laid down by this Court.

57. In view of the aforesaid discussion, we are of the considered opinion that the High Court clearly fell into error while quashing the proceedings at a stage when the Magistrate had merely directed registration of FIR and investigation under Section 156(3) of CrPC (Corresponding to Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023).

58. Accordingly, the common impugned judgment and order dated 28th September, 2016, passed by the High Court is set aside. The FIRs and the proceedings arising therefrom are revived and restored to the file of the concerned Police Station and/or Magistrate, for being proceeded in accordance with law.

59. It goes without saying that the parties shall be at liberty to produce material to indicate their defence(s)/position during the course of the police investigation, as also before the Court concerned, in accordance with law, at the appropriate stage.

60. Before parting, we deem it appropriate to clarify that the observations made in the present judgment are confined to the adjudication of the issues arising in these appeals. The same shall not be construed as an expression of opinion on the merits of the case and shall neither prejudice nor influence the proceedings pending before the competent court/forum.

61. The appeals stand allowed in the aforesaid terms.

62. Pending application(s), if any, shall stand disposed of.

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