



CNR: KAHC010038222025

NC: 2026:KHC:50088
CRL.P No. 991 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 991 OF 2025 (482(Cr.PC) /
528(BNSS)-)

BETWEEN:

1. SRI T G BALAN
SON OF GOVINDA SWAMY,
AGED ABOUT 58 YEARS,
RESIDENT OF 29/2, 12TH MAIN,
4TH CROSS, MAGADI ROAD,
BANGALORE-580023.
2. SRI MURUGESH VIKRAM
SON OF P. KRISHNAPPA,
AGED ABOUT 41 YEARS,
RESIDENT OF 381/1, 9TH CROSS,
3RD MAIN, KAVIKA LAYOUT,
DEEPANJALI NAGAR,
BANGALORE-580026.



(BY SRI. A T MALLYA.,ADVOCATE)

...PETITIONERS

AND:

1. STATE OF KARNATAKA
THE STATION HOUSE OFFICER,
K PAGRAHARA POLICE STATION,
REPRESENTED BY, STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE -560001.
2. SMT. SUNANDA.P
W/O. LATE. VENKATARAMAN
AGED ABOUT 54 YEARS,
RESIDING AT NO. 124,





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1ST CROSS, BANNERUGHATTA ROAD,
PILLAIAGANAHALLI, RAGHAVENDRA LAYOUT,
BANGALORE -560 083

...RESPONDENTS

(BY SRI. RANJITH KUMAR.N., HCGP FOR R1;
R2-SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO CALL FOR THE RECORDS IN PCR NO. 3320/2024 DATED 23.01.2022 ON THE FILE THE LEARNED XXIV ADDL. CMM, BENGALURU AND EXAMINE THE LEGALITY. PROPRIETY AND CORRECTNESS OF THE PROCEEDINGS AND SEE ASIDE THE ENTIRE PROCEEDINGS.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

A) Call for the records in PCR No. 3320/2024 dated 23.01.2022 on the file the learned XXIV Addl. CMM, Bengaluru and examine the legality. Propriety and correctness of the proceedings and see aside the entire proceedings.

B) Quash the FIR in Crime No.143/2024 on 19.09.2024, K.P. Agrahara Police Station, as against the petitioners 1 and 2, on the allegations of commission of offences punishable under the provisions of section 420, 120b, 504, 506b, 149 of IPC.

C) To pass such other orders as this Hon'ble Court deems fit, in the circumstances of the case.





2. Respondent No.2 had filed a complaint with K.P.Agrahara Police Station but the jurisdictional Police had refused to receive the complaint and thereafter the complaint was sent by speed post to the jurisdictional police station and Commissioner of Police on 16.12.2023. Since the said police having failed to initiate any action against the accused, a private complaint came to be filed before 30th Additional Chief Metropolitan Magistrate, Bengaluru in PCR No.3320/2024 which came to be referred under Section 156(3) of erstwhile Criminal Code of Procedure to K.P.Agrahara Police Station vide order dated 26.02.2024. In pursuance thereof, K.P.Agrahara Police Station registered a FIR in Crime No.143/2024 on 19.9.2024 and proceeded with the investigation for the offences under Section 420, 120B, 504, 506B and 149 of IPC. It is challenging the same, the petitioners are before this Court seeking for the aforesaid reliefs.
3. The submission of the learned counsel for the petitioner is that the dispute between the parties is civil in nature. At the most all the allegations amount to recovery of monies paid by the complainant which cannot be given a criminal colour





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and in this regard, he relies upon the decision of the Hon'ble Supreme Court in **Krishna Lal Chawla vs. State of UP¹** cited by the Co-ordinate Bench of this Court in the case of **Sri.Sheshanna B., and another vs. State of Karnataka and another²**. Paras 22 and 23 of **Krishna Lal Chawla** are extracted hereunder for easy reference:

"22. Frivolous litigation should not become the order of the day in India. From misusing the public interest litigation jurisdiction of the Indian courts to abusing the criminal procedure for harassing their adversaries, the justice delivery system should not be used as a tool to fulfil personal vendetta. The Indian judiciary has taken cognizance of this issue. In 2014, this Court elucidated as follows, the plight of a litigant caught in the cobweb of frivolous proceedings in Subrata Roy Sahara v. Union of India [Subrata Roy Sahara v. Union of India, (2014) 8 SCC 470 : (2014) 4 SCC (Civ) 424 : (2014) 3 SCC (Cri) 712] : (SCC p. 642, para 191)

"191. ... One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side, of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part. He pays for the litigation, from out of his savings (or out of his borrowings), worrying that the other side may trick him into defeat, for no fault of his. He spends invaluable time briefing counsel and preparing them for his claim. Time which he should have spent at work, or with his family, is lost, for no fault of his."

While the Court's ruling pertained to civil proceedings, these observations ring true for the criminal justice machinery as well. We note, with regret, that 7 years hence, and there has still been no reduction in such plight. A falsely accused person not only suffers monetary

¹ (2021) 5 SCC 435

² Crl.P No.1627/2022 and connected matters





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damages but is exposed to disrepute and stigma from society. While running from pillar to post to find a lawyer to represent his case and arranging finances to defend himself before the court of law, he loses a part of himself.

23. *As aforesaid, the trial courts and the Magistrates have an important role in curbing this injustice. They are the first lines of defence for both the integrity of the criminal justice system, and the harassed and distraught litigant. We are of the considered opinion that the trial courts have the power to not merely decide on acquittal or conviction of the accused person after the trial, but also the duty to nip frivolous litigations in the bud even before they reach the stage of trial by discharging the accused in fit cases. This would not only save judicial time that comes at the cost of public money, but would also protect the right to liberty that every person is entitled to under Article 21 of the Constitution. In this context, the trial Judges have as much, if not more, responsibility in safeguarding the fundamental rights of the citizens of India as the highest court of this land."*

Paraphrasing the observations of the Apex Court, I deem it appropriate to direct the learned Magistrates to notice the following, prior to entertainment of complaints invoking Section 200 of the Cr.P.C.:

(a) The learned Magistrates shall look into the complaint and its narration with regard to compliance of Section 154(1) and (3) of the Cr.P.C.

(b) When complaints/applications are filed invoking Section 200 of the Cr.P.C. r/w Section 156(3) of the Cr.P.C. and a direction is sought at the hands of the learned Magistrates for investigation at the hands of the police, only such complaints shall accompany an affidavit and not otherwise, as time has come to 'nip frivolous registration of crime, in its bud'.

3.1. By relying on the above extract, learned counsel for the petitioners would submit that frivolous litigation should not become the order





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of the day and even in criminal proceedings if a person is falsely accused, he would suffer not only monetary damages but would be exposed to disrepute and stigma from the Society requiring to defend unnecessary criminal proceedings. His submission is that in the present proceedings also at the most the dispute being in relation to recovery of money, a criminal proceedings could not have been filed.

3.2. He relies upon the decision of the Coordinate Bench of this Court in the case of **Sailen Das vs. State by Kodigehalli Police Station and another**³ more particularly Paras 8 and 9 thereof, which are reproduced hereunder for easy reference:

8. As rightly contended by learned counsel for the petitioner, the recitals in the complaint itself disclose that a substantial portion of the contractual obligations was, in fact, performed by Jambu Odisha Trade Private Limited, of which the petitioner is one of the Directors. This aspect is specifically acknowledged in the written complaint extracted hereinabove. Therefore, in the absence of any material to prima-facie indicates that the company, acting through the petitioner, entertained a fraudulent or dishonest intention to deceive the complainant at the inception of the contract, the basic ingredients of the offence of cheating under Section

³ WP No.26873/2024 dated 11.9.2025





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420 IPC are not satisfied. Even if the allegations contained in the complaint are assumed to be true in their entirety, no offence, as alleged, can be said to have been made out against the petitioner.

9. Be that as it may, the admitted position remains that the parties are bound by a valid and subsisting contract and the controversy essentially pertains to the performance of obligations arising therefrom. Such disputes are, in their nature, civil and are amenable to adjudication before an appropriate forum in accordance with law. This Court is, therefore, of the considered view that respondent No.2, albeit inadvertently, has been ill-advised in setting the criminal law in motion in respect of what is, at its core, a contractual dispute. Allowing the prosecution to proceed in these circumstances would clearly amount to permitting an abuse of the process of law.

3.3. By relying on **Sailen Das**, his submission is again that in the absence of any material to *prima facie* indicate that there was any fraud sought to be committed and that the ingredients of Section 420 were present from the very inception, the question of criminal proceedings being continued would not arise and therefore he submits that applying the said decision in **Sailen Das**, this Court ought to quash the present proceedings.

3.4. He also relies upon another decision of the Co-ordinate Bench of this Court in the case of **Mr.Deepak Raheja and another vs. The State**





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of Karnataka and another⁴ more particularly
Paras 4, 9 and 10 thereof which are reproduced
hereunder for easy reference:

4. *Learned counsel appearing for the petitioners reiterating the grounds has vehemently argued and contended that the allegations in the complaint clearly substantiate that it is a contractual dispute between the petitioner and respondent No. 2 and there is absolutely no evidence of criminal offence. What is primarily a civil dispute between petitioner and respondent No.2 is converted into a criminal case and based on frivolous allegations, criminal proceedings are lodged against the petitioner. He would further submit that the learned Magistrate erred in taking cognizance of the complaint without issuing notice to the petitioners in the first instance. He would further contend that a plain reading of the FIR and charge sheet clearly discloses that the dispute between the parties may constitute a civil dispute. The charge sheet laid by the Investigating Officer is also questioned by the petitioners on the ground that Investigating Officer has not undertaken proper Investigation.*

9. *The concern that civil disputes are being manipulated or transformed into criminal offences by the inclusion of charges such as cheating or criminal breach of trust is not unfounded. Judicial precedents elucidate that the conversion of civil disputes into criminal charges without proper legal basis or evidence constitutes an abuse of the legal process. Courts have consistently held that criminal charges should not be invoked as a means to adjudicate or settle disputes of a purely civil nature, emphasizing the need for adherence to procedural safeguards and legal standards.*

10. *The Supreme Court of India has consistently reiterated the imperative to prevent the misuse of criminal proceedings in addressing civil disputes. This principle was emphasized in various landmark cases,*

⁴ Crl.P No.4065/2019 dated 20.02.2024





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including Mohammed Ibrahim and others v. State of Bihar and another¹, Alpica Finance Ltd. v. P Sadasivan & Anr.², and All Cargo (I) Pvt. Ltd. & Ors. v. Dhanesh Badarmal Jain & Anr.³ the Apex Court has highlighted the growing tendency of complainants to resort to criminal charges as a means to settle civil disputes or exert pressure on the opposing party. The Court expressed concern over the misuse of criminal proceedings, emphasizing that criminal Courts should not be used as a tool for settling scores or pressurizing parties in purely civil matters

- 3.5. He again reiterates that civil disputes cannot be given a criminal colour and the Courts ought not to allow misuse of criminal proceedings as a tool for settling scores of pressuring the parties in purely civil matters. On that ground, he submits that the complaint which has been filed being only for recovery of money, the parties being known to each other, there could not be an offence under Section 420 of the IPC which could have been alleged against the petitioners and he submits that the petition is required to be allowed and relief sought to be granted.
4. Learned HCGP would however submit that the complainant is the wife of one Sri Venkataramanan who was suffering from kidney ailments and it is at that time that she had donated one of her kidneys to her husband, who unfortunately succumbed despite





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such donation. There being various disputes as regards the immovable property of her husband, accused no.1 i.e., petitioner no.1 had approached the complainant and got introduced to the complainant and her family members alleging that he was an advocate by profession and had assured the complainant that he would clear the litigation before the competent court of law. The complainant further alleged that accused no.1 thereafter got to introduced accused no.2 indicating that between accused no.1 and accused no.2, they would resolve all the litigations. On that basis, the complainant had transferred a total amount of Rs.21,35,000/- (Rs.10,00,000/- on 06.06.2022, Rs.5,00,000/- on 14.06.2022 and Rs.1,00,000/- lakh on 22.11.2022 by bank transfer). Thereafter, various amounts had been paid by cash by the complainant to accused no.1. It is subsequently on repeated enquiry when there is no progress made and the complainant coming to know that accused no.1 was not an advocate that a demand for refund was made and he submits that the fact of a refund having sought for does not take away the offences which have been committed by accused no.1 and 2 by receiving the monies by falsely contending that they will resolve





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the litigation. He therefore submitted that there are sufficient and enough grounds available on record to continue the criminal proceedings. The matter requires trial and this Court ought not to intercede at this stage to quash the proceedings.

5. Heard Sri.A.T.Mallya, learned counsel for the petitioners and Sri.Ranjith Kumar, learned HCGP. Perused papers.
6. There is no dispute as regards to the tests which have been laid on by the Hon'ble Apex Court and by the Co-ordinate Benches of this Court. In today's time, it is also seen that there are several civil matters which are given a criminal tension resulting in unnecessary criminal proceedings. The issue not being under dispute that criminal proceedings are being initiated in respect of civil disputes. What would have to be considered is whether in this present case there is a civil dispute or a criminal element made out. It is not that all criminal complaints would have to be dismissed merely on account of the contention raised that there is a civil dispute. This Court would have to draw the distinction on the basis of the facts and ascertain and apply the applicable dicta laid down by the Hon'ble





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Apex Court to ascertain if the complaint is purely civil in nature or a criminal element has been made. **For that purpose what would have to be considered is that the averments made in the complaint have to be considered holistically not establish any criminal element and that it ought to be a civil dispute.** In the present case it is not in dispute that there is an agreement which has been entered into between the complainant and respondent no.1. In terms of the said agreement, it has been agreed by petitioner no.1 that the disputes in respect to the properties would be resolved and one of the disputes mentioned is OS No.27645/2022 which is pending before the court. The very fact as to how that agreement has been entered into by the petitioner would have to be enquired into and ascertained, since any dispute which is pending in a court has to be resolved in a court and not outside the court in the manner as agreed by accused no.1 in the agreement dated 30.11.2022. The conduct of respondent no.2 cannot also be said to be beyond blame inasmuch as respondent no.2 has also entered into such an agreement with petitioner no.1 by making payment of money to petitioner no.1 to resolve the disputes pending in a civil suit in a court





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of law. The fact however remains that under the said agreement an amount of Rs.21,35,000/- is stated to have been paid by respondent no.2 to petitioner no.1 who had claimed that he is an advocate by profession and that the disputes would be resolved. The counsel for the petitioners has submitted that there is no allegation as regards impersonation against petitioner no.1 of having impersonated an advocate. That in the considered opinion of this Court would not be of much relevance in the present matter inasmuch as what is relevant is that petitioner no.1 had approached the complainant with a proposal or with a promise to resolve the pending litigation as regard the properties of her late husband when she was laid up in bed and received a large amount of Rs.21,35,000/-. Though learned counsel for the petitioners submitted that the properties are much more valuable and only a small sum of money has been paid, the fact remains that Rs.21,35,000/- has been paid to resolve the litigation which has been pending without petitioner no.1 being a party to any of the litigations. The promise which has been held out by accused no.1 has not been fulfilled by accused no.1/petitioner No.1 and later on it has been found that he was not even an advocate by





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profession. This conduct would be required to be examined during the course of investigation to ascertain whether accused no.1 had represented that he was an advocate and whether he is an advocate or not since such a conduct would not only have a bearing on the present matter would also have bearing on the judicial system as a whole, where litigants depend on the judicial system for proper adjudication of their matters in a manner known to and in accordance with law. If persons were to make such promises that they would resolve disputes outside the court when the matter is pending in court, were to be encouraged, the judicial system itself would be brought to disrepute. The allegations which have been made are serious enough to merit a serious and complete investigation by the jurisdictional police. The contention that the affidavit which has been filed along with the complaint does not comply with the requirements of the decision of the Hon'ble Apex Court in the case of **Priyanka Srivastava vs. State of UP**⁵ is also misplaced. The verifying affidavit clearly and categorically indicates that the complainant approached the jurisdictional police to lodge the complaint against the accused but

⁵ (2015) 6 SCC 287





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the jurisdictional police failed to receive the same. Hence, a private complaint has been filed and that the averments made in the complaint and in all the paragraphs are true and correct to the best of her knowledge, information and belief. This in the considered opinion of this Court satisfies the requirement of the verifying affidavit as laid down by the Hon'ble Apex Court in ***Priyanka Srivastava***. In the above circumstances, this Court is of the considered opinion that there are no grounds at this stage made out for interference in the investigation to be conducted by jurisdictional police under Section 482 of the Criminal Procedure.

7. Directing the jurisdictional police to conduct a proper and in-depth investigation, the petition stands ***dismissed***.



(SURAJ GOVINDARAJ)
JUDGE