
(2026) 02 KAR CK 1305

In the Karnataka High Court, Kalaburagi Bench

Case No : Criminal Petition No. 200127 Of 2026 (482(Cr.PC)/528(BNSS))

Abdul Azeem Sayed & Ors

APPELLANT

Vs

State Of Karnataka & Ors

RESPONDENT

Date of Decision : 26-02-2026

Acts Referred:

Bharatiya Nagrika Suraksha Sanhita, 2023 — Section 528

Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 316(2), 318(4), 351(2)

Citation : (2026) 02 KAR CK 1305

Hon'ble Judges : Rajesh Rai K, J

Bench : Single Bench

Advocate : Sharanabasaveshwar Mamadapur, Jamadar Shahabuddin, Ravi B. Patil

Final Decision : Allowed

Judgement

Rajesh Rai K, J

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the FIR against the petitioners/accused Nos.1 and 2 in Crime No.151/2025 registered by Jalanagar Police Station, Vijayapura, for the offences punishable under Sections 316(2), 318(4) and 351(2) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 [for short, 'the BNS, 2023'], presently pending on the file of III Additional Civil Judge (Sr.Dn.) and JMFC, Vijayapura.

2. The factual matrix of the case is, respondent No.2 lodged a complaint before respondent No.1-Police alleging that she and petitioner No.1 were well acquainted with each other and petitioner No.1 was working as a Civil Engineer at Saudi Arabia and he used to visit India frequently. The husband of respondent No.2 made the petitioners to believe that if they invest in land at Vijayapura, they would get high returns and the prices of the property are rising in a high speed and assured the petitioners that he would assist them in buying the property at Vijayapura. Thereafter, husband of respondent No.2 informed the petitioners that there is a land for sale and if he purchase that land, he would get

good returns on such investment. Accordingly, when petitioner No.1 expressed his difficulty to travel to Vijayapura, husband of respondent No.2 informed him to transfer Rs.46,00,000/-and assured that documentation can be done after his travel. Believing on his words, petitioner No.1 transferred a sum of Rs.46,00,000/- in the name of respondent No.2 and her children. After receiving the said amount, the husband of respondent No.2 postponed the sale transaction. Though the petitioners have requested him to refund the amount or to complete the sale transaction, the husband of respondent No.2 informed that his wife has entered into an agreement of sale in respect of land bearing R.S.No.787/*/2A measuring 10 guntas out of 2 acres 12 guntas of Mahalbagayat, Vijayapura and informed that he would execute agreement of sale in favour of the petitioners for a sale consideration of Rs.30,00,000/-. Accordingly, respondent No.2 executed the agreement of sale in favour of the petitioners in respect of the above land on 12.08.2024. Thereafter, respondent No.2 and her husband neither executed the Sale Deed nor refunded the money of the petitioners. As such, the petitioners lodged the FIR, which was registered in Crime No.149/2025 against respondent No.2, her husband and her family members. Subsequently, respondent No.2 lodged a complaint against the petitioners alleging that on 12.08.2024, the petitioners took her to the Court and got executed the agreement of sale without payment of any sale consideration and also alleged that on 24.09.2024 petitioner No.1 went to her house and intimidated her. As such, respondent No.1-Police registered the case against the petitioners in Crime No.151/2025 for the offences states supra. Aggrieved by the same, petitioners preferred this petition.

3. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned High Court Government Pleader for respondent No.1-State.

4. The primary contention of the learned counsel for the petitioners is, this complaint is nothing but a counter blast for the complaint lodged by the petitioners against respondent No.2 and his family members, which was registered in Crime No.149/2025, after lapse of two days, this case has been registered. He also contended that the dispute between the parties is purely civil in nature and instead of availing their remedy for enforcement of contract, in order to give criminal colour to the civil dispute, this complaint has been lodged. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader opposed the prayer and prays to dismiss the petition.

6. Learned counsel for respondent No.2 does not dispute the fact that the dispute pertaining to the parties is civil in nature. As such, case and counter cases are filed.

7. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents available on record.

8. As could be gathered from the complaint averments, the dispute is purely civil

in nature in connection with enforcement of the agreement entered into between the parties in respect of the landed property and payment of advance sale consideration. In such circumstance, offences under the provisions stated supra do not attract against the petitioners. Further, by considering the submission of learned counsel for respondent No.2, I am of the considered view that the continuation of proceedings against the petitioners is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

i. The petition is allowed.

ii. The proceedings against the petitioners/accused Nos.1 and 2 in Crime No.151/2025 registered by Jalanagar Police Station, Vijayapura, for the offences punishable under Sections 316(2), 318(4) and 351(2) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023, presently pending on the file of III Additional Civil Judge (Sr.Dn.) and JMFC, Vijayapura, is hereby quashed.