

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____/2026

[@ SLP (CrI.) No(s). 1012/2024]

BALLARI MAHANAGAR PALIKE

Appellant(s)

VERSUS

R. DEEPA & ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. The present appeal has been filed assailing the order of the High Court in Criminal Petition No. 101294 of 2019 dated 22.06.2023, wherein the criminal petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'CrPC, 1973') was allowed and criminal proceedings emanating out of Crime No.61/2019 registered under Section 465, 468, 471, 409 and 420 of the Indian Penal Code, 1860 (for short, 'IPC, 1860') was quashed.

3. In the present case, the appellant-complainant had registered a complaint in Crime No. 61/2019 on 04.07.2019, alleging that the name of accused No.1 was illegally entered in the land register records with respect to the subject land that belonged to the appellant-complainant. Thereafter, the said land was transferred to respondent No.1, and later on in favour of respondent No.2. Before the lodging of the

present complaint, notice was issued to respondent No.2, containing similar allegations as that of the complaint averments The High Court in Writ Petition No. 109347/2019 vide order dated 28.09.2021, quashed the notice on the premise that the notice issued was without proper jurisdiction.

4. The High Court, vide impugned order dated 22.06.2023, has allowed the petition under Section 482 CrPC, 1973, quashing the criminal complaint on the ground that the basis of filing the complaint i.e. the notice dated 21.01.2019, has already been quashed by the Coordinate Bench of the High Court. Aggrieved by the same, the appellant has filed the present appeal.

5. We have heard the learned counsel appearing for the appellant, the learned Senior counsel appearing for the private respondent and the learned counsel appearing for the respondent No.3-State.

6. Learned counsel appearing for the appellant submits that it is a case of manipulation of land register records, over the property belonging to the appellant. It is further submitted that the High Court committed an error in quashing the FIR as the order passed in Writ Petition No.109347/2019, quashing the notice dated 21.01.2019, has got nothing to do with the criminal proceedings. The incidental finding that the colluding officers have not been

arrayed as accused in the complaint, also cannot be sustained in the eyes of law, as the FIR is concerned with the offence, not with the offenders *per se* which will come to light after the completion of the investigation.

7. Learned Senior Counsel appearing for the private respondent submits that it is a civil dispute over which a criminal colour is being given.

8. Learned counsel appearing for the respondent No.3-State submits that in pursuant to the order passed by this Court on 19.01.2024, the investigation has been completed and the charge sheet has been filed *qua* the private respondent. Sanction under Section 197 of the Code of Criminal Procedure, 1973 (as it then was), against the officials who allegedly colluded with the private respondents is awaited.

9. Taking into consideration the above, we are inclined to set aside the impugned order passed by the High Court and remit it back as we find that the reasons assigned cannot be sustained in the eyes of law.

10. The finding that the order passed by the High Court in Writ Petition No. 109347/2019, will enure to the benefit of the private respondent even to the extent of quashing the criminal proceedings cannot be sustained in the eyes of law. Moreover, the other reasons with respect to the officials having not been

arrayed as accused is awaiting the sanction under Section 197 CrPC, 1973. Additionally, the charge sheet has also been filed in the instant case.

11. In such view of the matter, the impugned order dated 22.06.2023, stands set aside and the matter stands remitted to the High Court for fresh consideration on the merits of the case.

12. Liberty is granted to the private respondent No.2 to challenge the charge sheet by way of an application for amendment.

13. Interim protection granted to the private respondent vide order dated 19.01.2024, shall continue until the disposal of the main petition by the High Court.

14. The appeal stands disposed of, accordingly with the aforesaid liberty.

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

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
OCTOBER 14, 2026.

ITEM NO.15

COURT NO.3

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1012/2024

[Arising out of impugned final judgment and order dated 22-06-2023 in CRLP No. 101294/2019 passed by the High Court of Karnataka Circuit Bench at Dharwad]

BALLARI MAHANAGAR PALIKE

Petitioner(s)

VERSUS

R. DEEPA & ANR.

Respondent(s)

IA No. 14236/2024 - EXEMPTION FROM FILING O.T.

IA No. 14235/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 14-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s)

Mr. Rohit Sharma, Adv.
Mr. Nishanth Patil- 2510, AOR
Mr. Arijit Dey, Adv.
Ms. Bhumi Agrawal, Adv.
Mr. Abhishek Gupta, Adv.
Mr. Awanish Gupta, Adv.
Ms. Harshita Jain, Adv.
Ms. Vaishnavi R Patil, Adv.
Mr. Jatin Lalwani, Adv.
Mr. Nikhil Purohit, Adv.

For Respondent(s)

Mr. S Nagamuthu, Sr. Adv.
Mr. Anand Sanjay M Nuli, Sr. Adv.
Mr. Abhishek Kanyalur, Adv.
Mr. Shyam Gupta, Adv.
Mr. Kunwar Aditya Singh, Adv.
M/S. Nuli & Nuli- 2021, AOR

Mr. Aman Panwar, A.A.G.
Mr. Sanchit Garga, AOR
Mr. Kunal Rana, Adv.
Mr. Shashwat Jaiswal, Adv.
Mr. Manav Kaushik, Adv.
Mr. Bhanu Pratap Singh, Adv.
Ms. Diksha Arora, Adv.
Ms. Oorja Goel, Adv.
Ms. Aranya Sahay, Adv.

Mr. Rishi Yadav, Adv.
Mr. Nakul Shrivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.
Pending application(s), if any, shall stand disposed of.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR

[Signed order is placed on the file]