

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 15th DAY OF MARCH, 2018

BEFORE

THE HON'BLE MR.JUSTICE S.N.SATYANARAYANA

CRIMINAL PETITION No.200994/2017

Between:

1. Vishnuvardhana Nayaka
S/o Amarappa Nayaka,
Aged about 34 years,
Occ: Agriculture,
R/at Gudagunte,
Taluk Lingasugur,
Dist: Raichur – 584 101.
2. Narasimha Nayaka
S/o Shivalingappa Nayaka,
Aged about 62 years,
Occ: Agriculture,
R/at Gudagunte,
Taluk Lingasugur
Dist: Raichur – 584 101.

... Petitioners

(By Sri J. Augustin & Sri Vishal Singh, Advocates - Absent)

And:

1. Abdul Khadar
S/o Abdul Razak,
Aged about 60 years,
Occ: Driver, R/at Gudagunte,
Taluk Lingasugur,
Dist: Raichur – 584 101

2. The State of Karnataka
Reptd by Hatti Police Station
Taluk Lingasugur, Dist: Raichur,
Presently Reptd.
By the Addl. SPP,
High Court Buildings,
Kalaburagi – 585 103

... Respondents

(By Sri Mallikarjun Sahukar, HCGP)

This Criminal Petition is filed under Section 482 Cr.P.C., praying to quash the Pvt. Complaint No.38/2013 dated 13.06.2013 and FIR No.135/2013 dated 14.06.2014 and the entire proceedings pursuant to the registration of Pvt. Complaint No.38/2013 pending on the file of the Learned JMFC at Lingasugur.

This petition is coming on for Admission this day, the Court made the following:-

ORDER

The accused Nos.2 & 3 in P.C.No.38/2013 on the file of J.M.F.C., Lingasugur have come up in this petition seeking quashing of the said proceedings initiated against them.

2. Admittedly, P.C.No.38/2013 is filed by the 1st respondent herein against petitioner nos.1 and 2 and another person by name Khudrat Ali s/o Subhan Ali, which is with reference to creating false documents of title in respect of the land sy.no.339 of Gudagunti village. Admittedly, in the said private complaint, an Order was passed U/Sec.156(3) of Cr.P.C., calling upon the PSI of Hatti Police Station to investigate and file the report. The police have registered the FIR U/Sec.154 Cr.P.C., for the offences punishable U/Sec.419, 420, 423, 447, 504, 465, 506 R/w 34 IPC.

3. In the meanwhile, it is also seen that the police after investigation have filed "B" final report on 30.05.2014 which is challenged by the 1st respondent by filing protest petition, against which notice is said to be issued, which is pending consideration and the same is sought to be quashed in this proceedings.

4. On going through the above proceedings and also the material available on record, this Court is unable to understand the prayer made in this petition. At this stage, inasmuch as protest petition already being filed to the "B" final report, the same is required to be considered by the concerned learned Magistrate and thereafter to pass an order as to register the complaint or not. Therefore, this petition seeking quashing of the above proceedings is premature in nature.

Accordingly, this petition is dismissed.

**Sd/-
JUDGE**

SGS*