

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NOS.5207-5221 OF 2024
(Arising out of SLP(Crl.) Nos.17540-17554 of 2024)
(@ Diary No.23728 of 2017)**

THE STATE OF KARNATAKA ...APPELLANT(S)

VERSUS

JOSEPH CHACKO & ANR. ETC. ETC. ...RESPONDENT(S)

WITH

**CRIMINAL APPEAL NOS.5222-5224 OF 2024
(Arising out of SLP(Crl.) Nos.17555-17557 of 2024)
(@ Diary No.21948 of 2018)**

JAMES VARGHESE & ETC. ETC. ...APPELLANT(S)

VERSUS

THE STATE OF KARNATAKA & ANR. ...RESPONDENT(S)

WITH

**CRIMINAL APPEAL NO.5225 OF 2024
SLP (Crl.) No.10445 of 2019**

WITH

**CRIMINAL APPEAL NOS.5226-5229 OF 2024
(Arising out of SLP(Crl.) Nos.17558-17561 of 2024)
Diary No.40663 of 2019**

WITH

**CRIMINAL APPEAL NO.5230 OF 2024
(Arising out of SLP(Crl.) No.17562 of 2024)
Diary No.6998 of 2020**

WITH
CRIMINAL APPEAL NO.5231 OF 2024
(Arising out of SLP(Crl.) No.17563 of 2024)
Diary No.7000 of 2020

WITH
CRIMINAL APPEAL NO.5232 OF 2024
(Arising out of SLP(Crl.) No.17564 of 2024)
Diary No.7074 of 2020

AND
CRIMINAL APPEAL NO.5233 OF 2024
(Arising out of SLP(Crl.) No.17565 of 2024)
Diary No.7271 of 2020

O R D E R

I. Appeals arising out of SLPs pertaining to impugned order dated 25.10.2016 (Diary No.23728 of 2017 and Diary No.21948 of 2018)

- 1.** The learned A.A.G., Mr. Prateek Chadha appearing for the Appellant – State seeks permission to withdraw the application (I.A. No.51897 of 2019) filed by the Appellant – State. The permission to withdraw is granted. The same stands dismissed as withdrawn.
- 2.** Delay occurred in filing SLPs is condoned.
- 3.** Leave granted.
- 4.** All these Appeals have been filed by the Appellants - State of Karnataka and the Complainants, being aggrieved by the common Judgment and Order dated 25.10.2016 passed by the High Court of

Karnataka at Bengaluru in Criminal Petition No.4081 of 2013 and other connected matters, whereby the High Court has allowed the said Criminal Petitions and quashed the Orders passed by the Principal Civil Judge (Junior Division) and Judicial Magistrate First Class, Hosakote in the criminal cases in question filed against the Respondent No.1 – Accused Joseph Chacko and other Respondents - Accused.

- 5.** It may be noted that the Appellant – State has filed 15 Appeals and the other Appellants - Complainants i.e., James Varghese, George Zachariah K.K. and Abraham Charuvila V.P. have filed three Appeals, arising out of the said impugned Judgment and Order dated 25.10.2016.
- 6.** Heard learned Counsel for the parties.
- 7.** The prefatory facts of the instant Appeals are that the private Appellants – Complainants being Non-Resident Indians (NRIs) alongwith several other NRIs had purchased the plots in the State of Karnataka from the Respondent – Accused Joseph Chacko. The said Respondent Joseph Chacko had allegedly induced the Appellants - Complainants by projecting that the layouts were being developed at par with the global standards with all necessary infrastructures and amenities. The Appellants believing his words had entered into the sale agreements with Mr. Chacko. The sites were sold to them as converted lands with house list Khatas, promising several common

infrastructures and facilities in the Townships like well laid Roads, Common Community Area, Recreational facilities Swimming Pool etc. When the Respondent - Joseph Chacko failed to start any development activities for considerable time, on enquiry, the Appellants - Complainants came to know that the sale deeds executed by him in respect of the plots in question were having bogus katha numbers and the same were delivered to the Complainants and other NRI purchasers fraudulently. When the Complainants went to their respective properties, they were restrained by the Respondent - Chacko and his musclemen. Subsequently, the Complainants who were the NRI purchasers had come to know that they were defrauded by the Respondent and other Accused by committing fraud, forgery and thereby a big land scam. Consequently, umpteen number of complaints came to be registered against the Respondent - Joseph Chacko and others before the jurisdictional Police Station.

- 8.** It appears that out of 15 complaints filed by the Appellants, chargesheets have been filed in about 13 complaints against the concerned Respondents – Accused for the offences punishable under various provisions of IPC including 465, 468, 471, 420, 506 read with 149 etc. The Respondents – Accused therefore filed various Criminal Petitions being Nos. 4081/2013 connected with 4103/2013, 4112/2013, 4113/2013, 4114/2013, 4116/2013, 4117/2013, 4123/2013, 4125/2013, 4128/2013, 4129/2013, 7737/2015,

7738/2015, 7808/2015 and 6752/2016 under Section 482 of Cr.P.C. in the High Court of Karnataka seeking quashing of the proceedings pending before the concerned Judicial Magistrate Hosakote. The High Court vide the impugned Order dated 25.10.2016 allowed the said Criminal Petitions quashing the proceedings against the Respondents - Accused pending before the concerned Magistrate. Being aggrieved by the said impugned Order, the present set of Appeals have been filed by the State and the concerned Complainants.

- 9.** Having heard the learned counsel for the parties, and having gone through the impugned Order as well as the documents on record, it appears that the High Court, without giving any opportunity of hearing to the concerned Complainants and without taking into consideration the fact that the Charge Sheets were already filed in most of the cases had allowed the said Petitions in a very cryptic and cursory manner without assigning any reasons to quash the proceedings.
- 10.** Though, it was sought to be submitted by the learned counsel appearing for the Respondents – Accused that in many cases, the other Complainants have not challenged the impugned order as the Respondents had made settlement with some of such Complainants, we are not impressed by such submission. In our opinion, the High Court could not have and should not have allowed the petitions of the respondents, when there were serious allegations of fraud, forgery, trespass and criminal conspiracy and when the Charge Sheets were

filed in most of the cases, and that too, without granting any opportunity of hearing to the concerned Complainants, who were allegedly defrauded by the Respondents - Accused.

- 11.** It is well settled position of law that the High Court should be very slow in exercising the powers under Section 482 of Cr.P.C. when the accused are involved in very serious cases of fraud and forgery affecting large group of people.
- 12.** In that view of the matter, without expressing any opinion on the merits of the cases, we are of the opinion that the High Court has committed gross error in quashing the proceedings against the Respondents – Accused without considering the serious allegations made against them and without giving them opportunity of hearing to the concerned Complainants. Hence, the impugned Judgment and Order deserves to be quashed and set aside and is accordingly quashed and set aside. All the cases quashed by the High Court are restored on the files of the concerned Trial Court.
- 13.** It is directed that the concerned Trial Court shall proceed further with the cases pending against the Respondents – Accused in accordance with law.
- 14.** It goes without saying that the Respondents – Accused shall be at liberty to raise all the contentions as may be legally permissible before the Trial Court.

15. All the Appeals stand allowed accordingly.

16. All pending application(s), stand disposed of.

II. Appeals arising out of SLPs pertaining to impugned order dated 22.02.2017 (SLP (Cri.) No.10445 of 2019, Diary No.40663 of 2019, Diary No.6998 of 2020, Diary No.7000 of 2020, Diary No.7074 of 2020 and Diary No.7271 of 2020)

1. Delay occurred in filing SLPs is condoned.

2. Leave granted.

3. All these Appeals have been filed by the respective Complainants, who had filed the complaints against the Respondents – Accused – Joseph Chacko and Others, being aggrieved by the common Judgment and Order dated 22.07.2017 passed by the High Court of Karnataka at Bengaluru in Criminal Petition No.5655 of 2016 and other connected matters, whereby the High Court has allowed the said petitions and quashed and set aside the proceedings filed against the Respondent - Accused – Joseph Chacko and others.

4. The service to some of the proforma respondents is not complete, however they being the proforma respondents, service of notices to them is dispensed with.

5. The facts and circumstances in this set of Appeals are almost identical as the facts narrated in the Appeals arising out of the impugned Order dated 25.10.2016. The allegations against the Respondent - Accused

Joseph Chacko and the other Respondents – Accused are also common in all the Appeals. Hence, the facts are not repeated to avoid prolixity.

- 6.** The only distinguishing feature in this set of Appeals is that in these cases, the Respondent - Chacko and some of the accused had filed applications under Section 239 of Cr.P.C seeking their discharge from the cases in question before the Trial Court, which applications were dismissed by the Trial Court and the said Orders were confirmed in the Revision Petitions filed by them before the Revisional Court under Section 397 of Cr.P.C. The Respondents – Accused had thereafter invoked Section 482 of Cr.P.C. before the High Court by filing the Criminal Petition No.5655 of 2016 and other connected Petitions, seeking quashing of the said case proceedings pending against them before the Trial Court. The High Court vide the impugned Order dated 22.02.2017 allowed the said Criminal Petitions, quashing the case proceedings against the respective Respondents – Accused pending before the Trial court. The Appellants - Complainants therefore have preferred the instant Appeals being aggrieved by the said impugned Order dated 22.02.2017.
- 7.** For the reasons stated in the Order passed by us in the Appeals arising out of the impugned Order dated 25.10.2016, the present set of Appeals also deserves to be allowed and the same are allowed accordingly by setting aside the impugned Order dated 22.02.2017

passed by the High Court. All the cases quashed by the High Court are restored to the files of the concerned Trial Court.

- 8.** It is directed that the concerned Trial Court shall proceed with the cases pending against the Respondents – Accused in accordance with law.
- 9.** It goes without saying that the Respondents – Accused shall be at liberty to raise all the contentions as may be legally permissible before the Trial Court.
- 10.** All the Appeals stand allowed accordingly. All the pending application(s) stand disposed of.

.....J.
(BELA M. TRIVEDI)

.....J.
(SATISH CHANDRA SHARMA)

**NEW DELHI;
28TH NOVEMBER, 2024.**

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).23728/2017

[Arising out of impugned final judgment and order dated 25-10-2016 in CRLP No.4081/2013 25-10-2016 in CRLP No. 4103/2013 25-10-2016 in CRLP No. 4112/2013 25-10-2016 in CRLP No. 4113/2013 25-10-2016 in CRLP No. 4114/2013 25-10-2016 in CRLP No. 4116/2013 25-10-2016 in CRLP No. 4117/2013 25-10-2016 in CRLP No. 4123/2013 25-10-2016 in CRLP No. 4125/2013 25-10-2016 in CRLP No. 4128/2013 25-10-2016 in CRLP No. 4129/2013 25-10-2016 in CRLP No. 7737/2015 25-10-2016 in CRLP No. 7738/2015 25-10-2016 in CRLP No. 7808/2015 25-10-2016 in CRLP No. 6752/2016 passed by the High Court of Karnataka at Bengaluru]

THE STATE OF KARNATAKA

Petitioner(s)

VERSUS

JOSEPH CHACKO & ANR. ETC. ETC.

Respondent(s)

(IA No. 71021/2017 - CONDONATION OF DELAY IN FILING, IA No. 187499/2019 - INTERVENTION APPLICATION and IA No. 51897/2019 - WITHDRAWAL OF CASE / APPLICATION)

WITH

Diary No(s). 21948/2018 (II-C)

(IA No. 25656/2019 - CONDONATION OF DELAY IN FILING, IA No. 25659/2019 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS, IA No. 25664/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 25661/2019 - EXEMPTION FROM FILING O.T., IA No. 187504/2019 - INTERVENTION APPLICATION, IA No. 2810/2020 - INTERVENTION APPLICATION, IA No. 165801/2019 - WITHDRAWAL OF CASE / APPLICATION)

SLP(Crl) No. 10445/2019 (II-C)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 169914/2019, FOR EXEMPTION FROM FILING O.T. ON IA 169915/2019, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 169916/2019 and FOR CONDONATION OF DELAY IN FILING THE SPARE COPIES ON IA 181834/2019)

Diary No(s). 40663/2019 (II-C)

(IA No. 195863/2019 - CONDONATION OF DELAY IN FILING, IA No. 131192/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 195865/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.

195864/2019 - EXEMPTION FROM FILING O.T. and IA No. 195867/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 6998/2020 (II-C)

(IA No. 101891/2021 - CONDONATION OF DELAY IN FILING, IA No. 101893/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 101895/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 7000/2020 (II-C)

(IA No. 95899/2021 - CONDONATION OF DELAY IN FILING, IA No. 95900/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 95901/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 7074/2020 (II-C)

(IA No. 101880/2021 - CONDONATION OF DELAY IN FILING, IA No. 101881/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 101882/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 7271/2020 (II-C)

(IA No. 99744/2021 - CONDONATION OF DELAY IN FILING, IA No. 99745/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 99746/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 20175/2022 (II-C)

(FOR ADMISSION and I.R. and IA No.121537/2022-CONDONATION OF DELAY IN FILING and IA No.121538/2022-EXEMPTION FROM FILING O.T. and IA No.121536/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 20213/2022 (II-C)

(IA No.98793/2022-CONDONATION OF DELAY IN FILING and IA No.98794/2022-EXEMPTION FROM FILING O.T.)

SLP(CrI) No. 1749-1751/2024 (II-C)

(FOR ADMISSION and I.R. and IA No.159226/2022-CONDONATION OF DELAY IN FILING and IA No.159227/2022-EXEMPTION FROM FILING O.T. and IA No.159225/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 28-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Ms. V Mohana, Sr. Adv.
Mr. Aakarsh Kamra, AOR

Mr. Prateek Chadha, A.A.G.
Mr. D. L. Chidananda, AOR

Ms. V Mohana, Sr. Adv.
Mr. Zulfiker Ali P. S, AOR

Mr. I. H. Syed, Sr. Adv.
Mr. Varinder Kumar Sharma, AOR

Ms. V Mohana, Sr. Adv.
Ms. Shilpa Liza George, AOR

For Respondent(s) Mr. Avishkar Singhvi, A.A.G.
Mr. V. N. Raghupathy, AOR

Mr. Santosh Krishnan, AOR
Ms. Deepshikha Sansanwal, Adv.

Mr. Sanjay Kumar Visen, AOR
Mr. Parath Sarathi, Adv.

Mr. D. L. Chidananda, AOR

Mr. Varinder Kumar Sharma, AOR

Mr. P. Niroop, Sr. Adv.
Mr. Manoj C. Mishra, AOR

Ms. V Mohana, Sr. Adv.
Mr. Kamendra Mishra, AOR

M/S. Nuli & Nuli, AOR

Mr. Varinder Kumar Sharma, AOR

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

A. Appeals arising out of SLPs pertaining to impugned order dated 25.10.2016 (Diary No.23728 of 2017 and Diary No.21948 of 2018)

and

B. Appeals arising out of SLPs pertaining to impugned order dated 22.02.2017 (SLP (CrI.) No.10445 of 2019, Diary No.40663 of 2019, Diary No.6998 of 2020, Diary No.7000 of 2020, Diary No.7074 of 2020 and Diary No.7271 of 2020)

1. Delay condoned.
2. Leave granted.
3. In terms of the signed order, the Criminal Appeals are allowed.
4. All pending applications, including applications seeking intervention and withdrawal of case stand disposed of.

C. Special Leave Petitions Pertaining to impugned order dated 28.09.2016 (Diary No.20175 of 2022, Diary No.20213 of 2022 and SLP (Crl.) Nos.1749-1751 of 2024)

1. The learned senior counsel, Mr. P. Niroop appearing for the respondent No.2 - accused submits that the allegations made against the said accused are different from the allegations made against the accused Joseph Chacko in the other set of Appeals and, therefore, these Appeals be de-tagged from the said group of matters.
2. They are directed to be de-tagged.
3. List after two weeks.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)

(signed order is placed on the file)