



CNR: KAHC010002112024

NC: 2026:KHC:48671
CRL.P No. 142 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 142 OF 2024

BETWEEN:

1. SRI. JOSEPH PRABHU DOSS
S/O LATE SURGUNA DOSS,
AGED ABOUT 60 YEARS,
2. SRI. PAUL JOSEPH
S/O JOSEPH PRABHU DOSS,
AGED ABOUT 28 YEARS,
3. SRI. IMMANUEL FINNY J
S/O JOSEPH PRABHU DOSS,
AGED ABOUT 26 YEARS,

ALL ARE RESIDING AT NO.16,
1ST MAIN ROAD, 1ST CROSS,
BHIMANA LAYOUT,
L.R BANDE,
R.T.NAGAR POST,
BENGALURU-560 032.

...PETITIONERS

(BY SRI. VIJAYA KUMAR K, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
DEVARAJEEVANAHALLI POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

Digitally
signed by
PANKAJA S
Location:
HIGH
COURT OF
KARNATAKA



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2. SMT. SNEHA
W/O JOHN SELVA DOSS,
AGED ABOUT 44 YEARS,
R/AT NO.16, 1ST MAIN ROAD,
1ST CROSS,
BHIMANNA LAYOUT,
L.R. BANDE,
R.T.NAGAR POST,
BENGALURU-560 032

...RESPONDENTS

(BY SRI. MAHESH P, HCGP FOR R1,
SRI. JANARDHANA G, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET FILED BY THE DEVARAJEEVANAHALLI POLICE STATION/RESPONDENT NO.1 IN C.C.NO.52282/2022 PENDING ON THE FILE OF THE XI ACMM AT BENGALURU FOR THE OFFENCE P/U/S.504,506,323,354 R/W SEC.34 OF IPC AND ORDER DATED 25.02.2022 PASSED IN C.C.NO.52282/2022 PASSED BY THE XI ACMM MAYO HALL AT BENGALURU TAKING COGNIZANCE AND DIRECTING TO REGISTER THE CRIMINAL CASE FOR THE OFFENCE P/U/S.504,506,323,354 R/W SEC.34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.52282/2022 arising out of Crime No.152/2021 dated 04.06.2021 registered by Devarajeevanahalli Police station against the petitioners for the



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offences punishable under Sections 504, 506, 323, 354 r/w Section 34 of IPC.

2. The brief facts of the case are that respondent No.2-complainant lodged a complaint before respondent No.1-Police alleging that petitioner Nos.1 to 3-accused are residing in the same building in the remaining portion thereof and that they were continuously picking up quarrels with her. It is alleged that, on 04.06.2021, the petitioners picked up a quarrel with respondent No.2-complainant and assaulted her by hands, due to which she sustained injuries. She was admitted to Manjushree Hospital, R.T. Nagar, Bengaluru, where she took treatment for the injuries sustained. Thereafter, she lodged a complaint before the respondent No.1-Police. On the basis of the said complaint, the FIR came to be registered against the petitioners for the aforementioned offences. Subsequently, respondent No.1-Police conducted investigation and filed the charge sheet against the petitioners. However, the learned Magistrate took cognizance of the offences punishable under Sections 427 and 448 of IPC. Aggrieved by the same, the



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petitioners have preferred the present petition seeking quashing of the proceedings.

3. Heard the learned counsel for the respective parties.

4. The primary contention of the learned counsel for the petitioners is that the complaint lodged against the petitioners is false and motivated. It is contended that a civil suit is pending between the complainant and the petitioners and that, owing to the said dispute, the present complaint has been lodged against the petitioners out of vengeance. It is further contended that the learned Magistrate has erroneously taken cognizance of the offences under Sections 427 and 448 of IPC, which were not charge-sheeted against the petitioners. Accordingly, learned counsel seeks to allow the petition.

5. *Per contra*, learned counsel for respondent No.2 contended that the civil dispute arose subsequently in the year 2023 and that the incident in question has no nexus with the said civil dispute between the parties. However, he fairly conceded that the learned Magistrate has erroneously taken



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cognizance of an offences which was not charge-sheeted against the petitioners.

6. Learned HCGP also fairly submits that the proceedings against the petitioners, insofar as the offences under Sections 427 and 448 of IPC are concerned, may be quashed, as the learned Magistrate has taken cognizance of the offences which were not charge-sheeted, reserving liberty to the State to proceed before the learned Magistrate from the stage of cognizance in accordance with law.

7. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the entire documents available on record.

8. A perusal of the order passed by the learned Magistrate taking cognizance clearly reveals that, though respondent No.1-Police filed the charge sheet against the petitioners for the offences punishable under Sections 504, 506, 323 and 354 r/w Section 34 of IPC, the learned Magistrate has taken cognizance of the offences punishable under Sections



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427 and 448 of IPC. Though the same appears to be an inadvertent error on the part of the learned Magistrate, the proceedings insofar as the said offences are concerned cannot be sustained, as the respondent No.1-police have not filed the charge sheet against the petitioners for the offences punishable under Sections 427 and 448 of IPC. Accordingly, the petition deserves to be allowed and the proceedings against the petitioners, insofar as the cognizance taken under Sections 427 and 448 of IPC is concerned, are liable to be quashed.

9. However, liberty is reserved to the State to pursue the case before the Magistrate from the stage of cognizance in accordance with law.

Accordingly, the petition is ***allowed***.

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 32