

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 188 OF 2024

BETWEEN:

1. MR VENKATESHAPPA
AGED ABOUT 66 YEARS,
S/O CHIKKARAMAIAH,
2. SMT. BHAGYAMMA,
AGED ABOUT 60 YEARS,
W/O VENKATESHAPPA
3. MR. SHIVAKUMAR
AGED ABOUT 35 YEARS,
S/O VENKATESHAPPA,
4. MR. JAYARAMAPPA
AGED ABOUT 41 YEARS,
S/O CHIKKARAMAIAH,
5. SMT. ANANDAMMA,
AGED ABOUT 40 YEARS,
W/O JAYARAMAPPA,
6. MR. RANJITH
AGED ABOUT 23 YEARS,
S/O JAYARAMAPPA,
7. MR. RAMESH V
AGED ABOUT 40 YEARS,
S/O VENKATESHAPPA
8. MR. HARISH
AGED ABOUT 33 YEARS,
S/O LATE ANNAYAPPA,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

9. MR. SURESH,
AGED ABOUT 30 YEARS,
S/O LATE ANNAYAPPA

PETITIONER NOS. 1 TO 9 ARE
R/AT DANDIGANAHALLI VILLAGE
MANCHENAHALLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DIST - 561 211

...PETITIONERS

(BY SRI. MOHANA CHANDRA P, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BY MANCHENALLI POLICE STATION
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
AMBEDKAR VEEDHI
BANGALORE - 01

2. MR. NARAYANASWAMY,
AGED ABOUT 69 YEARS,
S/O NARAYANAPPA,
R/AT DANDIGANAHALLI VILLAGE
MANCHENAHALLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DIST - 561 211

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SMT. DEEPIKA JOSHI AND
SRI. SANDEEP LAHIRI, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE CHARGE SHEET IN CR.NO.187/2022 OF
MANCHENALLI POLICE STATION AND CONSEQUENTLY FILING
THE CHARGE SHEET AND TAKING COGNIZANCE OF THE
OFFENCE P/U/S.143,147,341,447,504,506 R/W SEC.149 OF
IPC REGISTERING CASE IN C.C.NO.20/2023 PENDING ON THE
FILE OF THE SENIOR CIVIL JUDGE AND JMFC GOWRIBIDANUR
AGAINST THE PETITIONER.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 23.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

1. This petition is filed under Section 482 of Cr.P.C. seeking to quash the entire charge sheet in C.C.No.20/2023 arising out of Crime No.187/2022 registered by 1st respondent - police against the petitioners for the offences punishable under Sections 143, 147, 341, 447, 504, 506 read with Section 149 of IPC pending on the file of Senior Civil Judge and JMFC., Gowribidanur.

2. The factual matrix of the case is that, on 12.08.2022 at about 8 a.m, it is alleged by respondent No.2 that the petitioners trespassed into his land bearing Sy.No.202 of Dandiganahalli Village, Manchenahalli Hobli, Gowribidanur Taluk and wrongfully restrained the tractor and accused No.1/petitioner No.1 abused the respondent No.2 in filthy language and threatened him to take his life. As such, respondent No.2 lodged a complaint against the petitioners, based on which, FIR in Crime No.187/2022 was registered and after investigation, respondent No.1 - police laid charge sheet

against the petitioners in C.C.No.20/2023. Thereafter, the learned Magistrate took cognizance of the same. Aggrieved by which, the petitioners are before this Court seeking to quash entire proceedings against the petitioners for the aforesaid offences.

3. Heard the learned counsel for the petitioners, learned counsel for respondent No.2 and the learned HCGP.

4. Learned counsel for the petitioners would primarily contend that the complaint and charge sheet averments disclose that in order to give a criminal colour to the civil dispute pending between the vendors of respondent No.2 and the petitioners in respect of property bearing Sy.No.202 measuring 6 acres situated at Manchenahalli, Gowribidanur, a false complaint has been lodged by respondent No.2 against the petitioners. According to him, suit in O.S.No.59/2017 was filed by D.A.Manjunath, who is the vendor of respondent No.2 against the petitioners and in the said suit, a compromise decree was obtained collusively on 11.01.2021 and immediately, within five days of said decree, respondent No.2 colluding with his vendors, purchased 6 acres of property including the land belonging to the petitioners in Sy.No.202 and

fraudulently executed the Sale Deed. The said compromise decree was challenged by the petitioners in W.P.No.16947/2024. There was another suit in O.S.No.174/2017 filed by the petitioners against the vendor of respondent No.2, which was dismissed as not pressed on 22.01.2021 without knowledge to the petitioners. Against said order, petitioners filed WP.No.16584/2022. Both the petitions are pending before this Court. In view of interse dispute between the petitioners and the vendor of respondent No.2, a complaint has been lodged by respondent No.2 alleging trespass and foisting life threat by the petitioners to respondent No.2. According to learned counsel, when the petitioners are in possession of the property by virtue of status-quo order passed in the aforesaid writ petition, there is no question of trespass. The 1st respondent police mechanically filed the charge sheet without properly investigating the matter. As such, he prays to allow the petition.

5. *Per contra*, learned counsel for respondent No.2 would contend that respondent No.2 being the bonafide purchaser of the property in question, no way connected to the dispute between the petitioners and his vendor. In writ petition, the status-quo order was passed and as on that date, his vendor

was in possession. As such, respondent No.2, being the purchaser, steps into the shoes of his vendor and possession continued with respondent No.2. Further, now that charge sheet has been filed, the statement of eye witnesses clearly reveals about the incident of trespass, and therefore, proceedings cannot be quashed. Accordingly, she prays to dismiss the petition.

6. Learned High Court Government Pleader also opposed the prayer in the petition.

7. I have given my anxious consideration to the submissions of learned counsel for the respective parties and perused the material on record.

8. As could be gathered from records, admittedly, there are civil disputes between the petitioners and the vendors of respondent No.2. The decree obtained by the vendors of respondent No.2 was challenged by the petitioners before this Court which is pending in WP.16584/2022 and WP.16947/2024. Further, the Sale Deed which was allegedly executed in favour of respondent No.2 was on the strength said decree. It is asserted by the petitioners that they are in possession of 4 acres 32 guntas out of 6 acres of land in property in question.

On perusal of the complaint and charge sheet materials, the same prima facie disclose that there is a civil dispute between the parties in connection with the property in question. Moreover, the omnibus allegations against the petitioners that they trespassed the property in question and abused respondent No.2 do not attract the offences invoked in the charge sheet.

9. On careful examination of statement of witnesses, it discloses that respondent No.2 filed this complaint against the petitioners as a retaliation for having challenged the alleged collusive decree out of wreaking vengeance.

10. The Hon'ble Apex Court in the case of **BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT** in **SLP (Crl) No.15537/2023 dated 22.05.2026**, held in paragraph Nos.52 to 54 as under:

"52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.

53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the CrPC.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the CrPC as Page 28 delineated in State of Haryana v. Bhajan Lal,¹² namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

11. Further, the Hon'ble Apex Court in the case of

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(15) SCC 488 in paragraph Nos.11 to 14 held as under:

"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of

Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.” We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly

frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance,

thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

"5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made

out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations

made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death....." (Emphasis supplied)

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

12. The Hon'ble Apex Court in the case of **B.V. RAMKUMAR VS. STATE OF TELANGANA - (2025) 3 Scc 475**, while dealing with the similar circumstances, held in paragraph Nos.24 to 27 held as under,

"24. Further, this Court in the case of Mohammad Wajid v. State of U.P.,¹¹ while discussing Section 504, IPC, propounded the test for considering the circumstances wherein, an abusive language takes the form and shape of an intentional insult and held thus: (SCC paras 29-31)

"29. Section 504 of the IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events

lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the Section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504, IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of

Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant.”

25. Needless to say, that mere abuse, discourtesy, rudeness or insolence does not amount to an intentional insult within the meaning of Section 504, IPC. Furthermore, it would be immaterial that the person who has been insulted and provoked did not actually break the peace or commit any offence.

26. Section 504, IPC consists of two parts. Firstly, the actus reus- being the intentional insult which gives rise to the provocation. Secondly, the mens rea, i.e., the intention or knowledge on the part of the accused that such intentional

provocation is likely to cause the person insulted to break public peace or commit any other offence. The animus nocendi in Section 504, IPC is that the accused should 'intentionally insult' the other person with the intention or knowledge that the provocation caused by such insult is likely to result in the commission of breach of public peace or any other offence by the person who has been so insulted. The offence is said to be complete once the accused person makes 'intentional insult' with the aforesaid mens rea. Hence, intention or knowledge on the part of accused person that his actions of making 'intentional insult' have the potential to provoke the person insulted is sine qua non for the commission of the offence under Section 504, IPC.

27. The natural corollary of the above discussion is that if the accused does not intend to give provocation, the offence is not made out. An insult without an 'intention to insult' is not punishable under Section 504, IPC. Further, 'intentional insult' must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence."

13. Collocating the aforesaid findings of the Hon'ble Apex Court in the above cases with the facts and circumstances of

the present case, I am of the considered view that the principles laid down therein are squarely applicable to the facts of the instant case. In such circumstances, continuation of the proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused in C.C.No.20/2023 (arising out of Crime No.187/2022 of Manchenalli Police Station), for the offences punishable under Sections 143, 147, 341, 447, 504, 506 read with 149 of IPC, pending on the file of Senior Civil Judge and JMFC, Gowribidanur, are hereby quashed.

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

PKS