



CNR: KAHC010013062020

NC: 2026:KHC:54112
CRL.P No. 2502 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 2502 OF 2020

(482(Cr.PC) / 528(BNSS))

BETWEEN:

SRI. SUNIL H B
S/O BASAVARAJAIAH H S
AGED ABOUT 36 YEARS,
OCC: POLICE SUB INSPECTOR
HANDANAKERE POLICE STATION
CHIKKANAYAKANAHALLI TALUK
TUMAKURU DISTRICT - 572 214

...PETITIONER

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. RAGHAVENDRA KATTIMANI M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
HANDANAKERE POLICE STATION
CHIKKANAYAKANAHALLI CIRCLE
TUMKUR DISTRICT,
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 001
2. SRI DHARANISH KUMAR
S/O JAYANNA
AGED ABOUT 33 YEARS,



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R/AT BEVINAHALLI VILLAGE,
HANDANAKERE HOBLI
CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT - 572 214

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1
R2 SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
A. QUASH THE ORDER PASSED IN CRL.RP.NO.10035/2015
DATED 18.04.2016 PASSED BY THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIPTUR. B. QUASH THE CRIMINAL
CASE BEARING C.C.NO.620/2018 WHICH IS PENDING BEFORE
THE ADDITIONAL CIVIL JUDGE AND JMFC,
CHIKKANAYAKANAHALLI.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioner and also
the learned counsel appearing for the respondent-State.

2. By the order dismissing the complaint filed by
the complainant, invoking Section 203 of Cr.P.C., the



matter was challenged before the Revisional Court. The Revisional Court reversed the said order, holding that the matter requires sanction under Section 197 of the Cr.P.C. However, the Revisional Court came to the conclusion that the said order is not an interlocutory order, but a final order. Hence, the arguments advanced by the learned counsel for the respondent are not applicable to the case on hand. On taking note of the materials on record, the Revisional Court comes to the conclusion that the trial Court committed an error in passing the order holding that the act of the respondent comes under the purview of discharge of official duty and the sanction is necessary. Hence, the matter requires interference by this Court in the order passed by the trial Court dismissing the complaint by invoking under Section 203 of Cr.P.C. Hence, the present petition is filed for quashing of Revisional Court order.



3. Learned counsel appearing for the petitioner would vehemently contend that the Revisional Court has committed an error and failed to take note of the fact that the complainant is a rowdy sheeter. The petitioner herein has registered NCR bearing No.78/2015 and had summoned the respondent herein to appear before him to enquire into the incident. However, the respondent herein had created a hue and cry by assembling people in front of the station. He had started quarrelling with the said watermen in the premises of the station. The petitioner herein had requested him not to make fight stop ruckus in front of the station, but the respondent had started hurting himself by dashing to flag-pole and threatened the officers he will commit suicide in front of the station. The CPI of the station was present and sent him back to the home and asked him to appear next day i.e., on 24.04.2015. The respondent herein did not appear before any of the station officers, instead, he filed a private complaint against the petitioner herein. The learned



counsel for the petitioner vehemently contends that the respondent himself inflicted injuries with an intention to register as false case and the petitioner did not assault him. The respondent herein is habitual in creating uneasiness in society and threatening the local people. The learned counsel would also contend that earlier, a case was registered against him in Crime No.71/2011; in 2018, Crime No.38/2015 under Section 11(E) and (G) of Cr.P.C., in Crime No.85/2016 under Section 107 of Cr.P.C., and in Crime No.17/ 2018 under Section 110(E) and (G) of Cr.P.C., and PAR.No.10/2019 under Section 110(E) and (G) of Cr.P.C. Learned counsel would submit that, due to his rowdy elements, these cases were registered against the petitioner.

4. Learned counsel appearing for the State submits that there are materials to show that the petitioner assaulted him. This Court also directed the production of the wound certificate and accordingly, the



petitioner has produced the wound certificate, wherein it is clear that the complainant was subjected to assault and had suffered the injuries in the form of swelling and abrasion over the forehead. Tenderness was also present over the posterior aspect of right side of the neck. The wound certificate clearly establishes that he was subjected to assault, and the matter requires trial. The trial Court committed an error in holding that the sanction under Section 197 of Cr.P.C., is required. However, the Revisional Court came to the conclusion that the act complained of was not committed in the discharge of public duty and involved an assault. Even if he is an accused, he cannot take the law into his hands by assaulting him and the matter requires consideration.

5. Having heard the learned counsel for the petitioner and also the learned counsel appearing for the respondent, and as a specific allegation is made in the complaint that he was subjected to assault when he was



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called to the police station, he had also sustained injuries, and particularly before the trial Court marked the document i.e., wound certificate, which discloses the injuries, the trial Court, having considered the material on record, dismissed the complaint under Section 203 of Cr.P.C., instead of issuing the summons, on the ground that sanction was required against the petitioner. The said order was challenged before the Revisional Court and the Revisional Court came to the conclusion that the act of assault would not come within the discharge of his public duty and the question of sanction under Section 197 of Cr.P.C., does not arise. The protection is available only when a public servant discharges his duty and while discharging such official duty, such public servant is required to keep in his mind the work entrusted to him. In paragraph No.17, the Revisional Court came to the conclusion that committing an assault on the accused in the station will not give any protection to the Police Officer and the matter requires trial. The learned counsel



appearing for the petitioner, as per the direction of this Court, produced the wound certificate. The wound certificate also discloses that the complainant had suffered the injuries in the form of swelling and abrasion, with tenderness on the forehead as well as on the neck.

6. In view of the material available on record, the Revisional Court has not committed any error in reversing the finding of trial Court and invoked Section 204 of Cr.P.C., to continue the proceedings against the petitioner by setting aside the order of the trial Court. The Revisional Court rightly directed the proceedings to continue for the offences under Sections 323, 324, 504 and 506 of IPC. When such an order was passed by the Revisional Court, the approach of the trial Court was erroneous and the protection under Section 197 of Cr.P.C., would not come to the aid of the petitioner. Assaulting a person who has been secured by the police station is not in discharge of public duty that too an Inspector and he cannot use force



in such a manner, he can take action in accordance with law, but not by assaulting the person at the police station.

7. The Revisional Court has rightly come to the conclusion that the proceedings should be continued against the petitioner for the said offences. Hence, I do not find any error on the part of the Revisional Court in passing the order.

8. In view of the discussions made above, I pass the following:

ORDER

The petition is ***dismissed***.

The observations made by this Court while considering this petition shall not influence the trial Court while considering the matter on merits.



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The liberty is granted to raise an objection,
at the stage of framing the charges, with regard
to the offences invoked against him.

Sd/-
(H.P.SANDESH)
JUDGE

SSB