



CNR: KAHC010017662020

NC: 2026:KHC:52217
CRL.P No. 699 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 699 OF 2020 (482(Cr.PC) /
528(BNSS))

BETWEEN:

N MANJUNATH
SON OF LATE NARAYANAPPA
AGED ABOUT 47 YEARS,
R/AT SY.NO.16/8
HEGGANAHALLI ROAD,
OPP. RES POLYTECHNIC
SUNKADAKATTE
BANGALORE-560 091.

...PETITIONER

(BY SRI. LEELADHAR H P., ADVOCATE)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA
BY KAMAKSHIPALYA
POLICE STATION
BANGALORE CITY
REP. BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE-560 001.
2. SRI N KUMAR
SON OF LATE NARAYANAPPA
AGED ABOUT 55 YEARS,
RESIDING AT NO.32/2
1ST MAIN ROAD, 2ND CROSS



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MALLATHAHALLI, BANGALORE-560 056.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. N.G. SREEDHAR., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.10044/2018 ON THE FILE OF V ADDL.C.M.M., BENGALURU FOR THE OFFENCE P/U/S 447, 504 AND 506 R/W 149 OF IPC AGAINST THE PETITIONER UNDER ANNEXURE-A AND ALLOW THE ABOVE PETITION.

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

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

ORAL ORDER

1. Heard learned counsel for petitioner, learned HCGP for the respondent-State and learned counsel for respondent No.2.
2. The prayer is sought for quashing of the proceedings initiated against the petitioner in C.C.No.10044/2018 for the offences punishable under Sections 447, 504 and 506 read with Section 149 IPC.



CNR: KAHC010017662020

3. Learned counsel for petitioner submits that second respondent has given a complaint stating that on 01.07.2017 at 11. 30 a.m. the petitioner and others in all 15 persons trespassed into Sy.No.16/8 and came with unlawful assembly and illegally entered the aforesaid land and started construction of a compound wall and when the complainant questioned accused, abused the complainant and his sons in a filthy language and also caused life threat. Hence the complaint.
4. Police investigated and filed charge sheet.
5. Learned counsel for the petitioner brought to the notice of this Court that there is a compromise between the parties in O.S.No.4162/1993 by filing an application under Order XXIII Rule 3 of CPC parties have compromised so also learned counsel submits that the complainant has filed a suit in O.S.No.7141/2016 and hence question of invoking Section 447 does not arise.



CNR: KAHC010017662020

6. Learned counsel also submits having perused the complaint no specific word is attributed for invoking offence punishable under Section 504 so also causing life threat and omnibus statement in the complaint and hence very initiation of complaint is abuse of process of law when there is dispute in respect of subject property is concerned and a criminal colour is given to a civil dispute.
7. Per contra, learned counsel for respondent No.2-complainant submits that the said suit was filed for bare injunction, subsequently amendment is sought for that as on the date respondent is in possession of the property and that it will not attract Section 447 cannot be accepted. Learned counsel also refers to paragraph 2 of the complaint and submits specific allegations are made that petitioner came near the property and when said act was questioned, they threatened and also police who came to the subject property also informed to the complainant that already instruction is given not to continue the construction work and also given NCR in



CNR: KAHC010017662020

respect of earlier complaint dated 30.06.2017 and when such complaint is read, there is material to proceed against the petitioner herein. He submits the contents of the complaint attract ingredients of the offences under Sections 504 and also Section 506.

8. Having heard the learned counsel for petitioner and respondents and column No.7, the charge sheet and of the accusation that on 01.07.2017 the accused No.1 came along with other accused persons and trespassed the property of Sy.No.16/8 and same is witnessed by PW1, 4 and 5 and when the said act was questioned they abused in a filthy language and also caused life threat.
9. The accusation made in column No.7, the Court has to take note of the same and on perusal of the complaint dated 03.07.2017, it discloses dispute in respect of Sy.No.16/8 and also allegation is made that on 01.07.2017 at 11.30 a.m. that an attempt is made to trespass the property and caused life threat and also abused in filthy language. Having perused the complaint



CNR: KAHC010017662020

no time is mentioned and it also discloses earlier complaint dated 30.06.2017. Police had come to the spot and orally instructed them not to continue the construction work. Though an attempt is made by learned counsel for respondent that there is life threat but having perused the complaint no such specific words are uttered nor mentioned in the complaint. When such omnibus allegation with regard to life threat is made, a complaint is registered but no doubt it is settled that the contents of the complaint and FIR is not an encyclopedia but there must be specific words uttered at the spot. Nothing is found. Improvements is made while filing the charge sheet for life threat. Having considered the material on record, an attempt is made to give a criminal colour to the civil dispute it is nothing but abuse of process of law. Hence it is a fit case to exercise power under Section 482 of Cr.P.C.

Hence, the following:

ORDER

(i) Petition is allowed.



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(ii) Proceedings in C.C.No.10044/2018 on the file of V
ACMM, Bengaluru, for the offences punishable under
Sections 447, 504 and 506 read with Section 149 IPC
against the petitioner is quashed.

It is made clear that the trial Court shall not be
influenced by the observations made in this order for the
purpose of adjudication of original suits pending between
the parties and the concerned Presiding Officer shall
arrive at the conclusion on merits.

**Sd/-
(H.P.SANDESH)
JUDGE**

SBN
List No.: 1 Sl No.: 19