



CNR: KAHC010020902020

NC: 2026:KHC:51104  
CRL.P No. 363 of 2020

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

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

**CRIMINAL PETITION NO. 363 OF 2020 (482(Cr.PC) /**  
**528(BNSS))**

**BETWEEN:**

1. SHIVANNEGOWDA  
S/O PATEL CHIKKATAMMEGOWDA  
AGED ABOUT 62 YEARS,
2. CHETHAN  
S/O SHVANNEGOWDA  
AGED ABOUT 27 YEARS

BOTH ARE RESIDING AT  
MAVINAHALLI VILLAGE  
JAYAPURA HOBLI  
MYSURU TALUK AND DISTRICT-570008

Digitally signed  
by DEVIKA M  
Location: HIGH  
COURT OF  
KARNATAKA

AND ALSO PEITIONER NO.2  
PRESENTLY R/AT NO.39 B  
JANAPRIYA ABODES  
KENCHENAHALLI  
RAJARAJESHWARI NAGAR,  
BENGALURU-560 098.

...PETITIONERS

(BY SRI. GOPALAKRISHNAMURTHY C.,ADVOCATE)



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**AND:**

NINGAMANNI  
D/O SHANKALLY ERAPPA  
AGED ABOUT 52 YEARS,  
RESIDING AT MAVINAHALLI VILLAGE  
JAYAPURA HOBLI  
MYSURU TALUK AND DISTRICT-570 008.

...RESPONDENT

(BY SRI. P NATARAJU.,ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO  
QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.3018/2019  
PENDING ON THE FILE OF J.M.F.C. (II COURT), MYSURU VIDE  
ANNEXURE-E AS AGAINST THE PETITIONERS HEREIN.

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 learned counsel appearing for the petitioners and  
learned counsel appearing for the respondent.

2. The prayer is sought by these two petitioners who  
have been arraigned as accused Nos. 3 and 4 to quash the  
proceedings in CC No.3018/2019 for the offence punishable  
under Sections 341, 323, 324 and 506 r/w Section 34 of IPC  
pending on the file of the JMFC (II Court), Mysuru.



3. The factual matrix of case of the complainant is that while filing a private complaint the police did not entertain the same. However, she took the treatment in the K.R.Hospital on account of bleeding injuries she sustained and when the police did not register the case, she has filed the PCR No. 15/2013. The case was filed on 10.05.2013 and police have filed the 'B' report. The same is questioned before the police by filing a protest memo. Thereafter, the trial Court proceeded to record this warrant statement and statement of three witnesses and also got marked documents at Exs.C1 to C8. The trial Court having considered the protest memo and also the statement of the complainant and three witnesses proceeded to take the cognizance against accused Nos.1 to 4 and hence the present petition is filed by accused Nos. 3 and 4.

4. The main contention of the counsel appearing for the petitioners before this Court is that the petitioner No.1 who is the accused No.3 is aged about 62 years and his son i.e. petitioner No. 2 was working at Bengaluru as on the date of the incident. The counsel would contend that these petitioners have been wrongly implicated in the case. The counsel also would



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vehemently contended that the allegation against these petitioners is that they instigated the accused No.1 to commit the offence and except stating the same in the one line in the complaint, nothing is stated. The counsel also brought to notice of this Court that the trial Court committed an error in proceeding to record the sworn statement without rejecting the 'B' report. The counsel also submits that nothing found in the sworn statement as well as in the statement of witnesses with regard to the role of these two petitioners. The counsel also vehemently contended that while passing order taking cognizance, only taken note of sworn statement on 05.04.2013 where there were quarrel took place between accused No.1 and complainant. In the said incident, the accused No.1 assaulted the complainant and she sustained bleeding injuries on her face, nose and on other parts of her body. But an observation is made that witnesses have also stated the same facts. But when such reasoning is given by the trial Court while taking cognizance, but, an observation is made that on perusal of the oral and statements of the witnesses and documentary evidence, the *prima facie* shows that there was a quarrel taken



place between the complainant and accused Nos. 1 to 4. Even the same is stated by the Investigation Officer in the 'B' report. In the said incident, the complainant sustained injuries when the accused No.1 assaulted. The only allegation is that accused Nos. 2 to 4 instigated the accused No.1 by saying to give life threat to her. Trial Court proceeded to pass the order of taking cognizance. The counsel in support of his argument also produced the attendance certificate and particulars of the same. To that effect, document is also produced.

5. Per contra, the counsel appearing to the respondent/ complainant would submit that the trial Court has not committed an error in taking cognizance and taken note of the sworn statement as well as the documents of medical certificate and also these petitioners have also instigated the accused No.1.

6. Having heard the counsel appearing for the petitioner and the counsel appearing for the respondent and perused the contents of the complaint. The only allegation made in PCR No.15/2013 is that accused Nos. 2 to 4 have also instigated the accused No.1 to take away her life and they also



assaulted and an omnibus statement was made that they assaulted and kicked the complainant. But no such specific overact statement is made. Even while taking cognizance also, the trial Court discussed the sworn statement, wherein an allegation was made only against accused No.1 and complainant's allegation is also that the accused No.1 assaulted her. The Court having considered the documents comes to the conclusion that accused Nos.2 to 4 have also instigated the accused No. 1. Except the same nothing is stated and also not found any material in the sworn statement as well as the contents of the complaint against them.

7. Content of the complaint is the genesis for taking cognizance. Having taken note of the same and also if the accused No.4 was working in Bangalore, to that effect a certificate is issued as per Annexure-H and attendance document is also produced. Apart from that when there is no specific allegation against these petitioners and it is a fit case to exercise the power of 482 Cr.PC to quash the proceedings and unless the contents of the complaint and also the material does not disclose with regard to invoking of the ingredients of the



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offences against these petitioners, if it is continued, it amounts to an abuse of process of law which leads to a miscarriage of justice.

8. In view of the discussions made hereinabove, I pass the following;

**ORDER**

- (i) Petition is **Allowed**.
- (ii) Proceedings in C.C.No.3018/2019 pending on the file of JMFC (II Court), Mysuru vide Annexure-E for the offence punishable under Sections 341, 323, 324 & 506 read with Section 34 of IPC, is quashed in respect of these two petitioners.

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