



CNR: KAHC010029992024

NC: 2026:KHC:51746
CRL.P No. 568 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 568 OF 2024

BETWEEN:

SRI. CHANDRAPPA B.N.
@ B.N.CHANDRAIAH
S/O NANJAPPA B.,
AGED ABOUT 73 YEARS,
R/AT. NO.21, 5TH CROSS,
SANJEEVININAGAR,
MUDALAPALYA,
BANGALORE NORTH,
BANGALORE 560 072.

...PETITIONER

(BY SRI. SUNIL KUMAR B.N., ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA BY
KONANAKUNTE POLICE STATION,
(REPRESENTED BY S.P.P.
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU -01).
2. M/S VEDA GAYATHRI ASTRO CENTER,
BY ITS PROPRIETOR



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SRI.HARISH P,
S/O. PREMKUMAR SHASTRY,
AGED ABOUT 35 YEARS,
NO.184, 2ND AND 3RD FLOOR,
P.S.ARCADE, KANAKPURA MAIN ROAD,
DODDAKALLASANDRA,
BENGALURU 560 062.

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;

SRI.SUNIL KUMAR S., ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR IN CR.NO.259/2023 DATED 11.07.2023,
REGISTERED BY THE RESPONDENT POLICE, KONANAKUNTE
P.S., UNDER SEC.506,34,380,420,454 OF IPC PENDING ON
THE FILE OF THE II ADDL.C.M.M COURT AT NRUPATUNGA
ROAD, BENGALURU.

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 by the petitioner-accused No.2 under
Section 482 of Cr.P.C. seeking to quash the FIR in Crime
No.259/2023 dated 11.07.2023 registered by Konanakunte
Police Station, Bengaluru City, for the offences punishable
under Sections 506, 380, 420, and 454 read with Section 34 of



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IPC, pending on the file of the II Additional CMM Court, Bengaluru.

2. The brief facts of the case are that respondent No.2-complainant lodged a complaint before respondent No.1-Police on 11.07.2023 alleging that the petitioner and other accused persons took away the belongings of the complainant, i.e., mobile phone, motorcycle, chairs, sofa, etc., from his office premises. It is further alleged that by trespassing into the office premises, the accused picked up a quarrel with the complainant, threatened him with dire consequences, and forcibly took away his belongings. It is alleged that on 27.05.2023, the accused once again broke open the complainant's office and stole his belongings. On the strength of the said complaint, an FIR came to be registered by respondent No.1-Police. Aggrieved by the same, petitioner / accused No.2 has preferred this petition to quash the FIR.

3. Heard the learned counsel for the petitioner, learned High Court Government Pleader for respondent No.1-State, and learned counsel for respondent No.2.



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4. The primary contention of the learned counsel for the petitioner is that on 25.05.2023, the complainant and his wife executed a registered Sale Deed in respect of Site No.725 situated at Banashankari 6th Stage, 1st Block Layout, Bengaluru, in favour of accused No.1, who is the son of the petitioner. On the strength of the said sale deed, accused No.1 was put in possession of the property and relevant revenue records were mutated in his name. Thereafter, accused No.1 filed a civil suit against the complainant for permanent injunction in O.S. No.4020/2023, wherein an interim order of temporary injunction was granted in favour of accused No.1. Learned counsel submitted that the petitioner (Accused No.2) is neither a party to the Sale Deed nor a plaintiff/party in O.S. No.4020/2023, and has been implicated solely due to his relationship as the father of accused No.1. It is contended that in order to give a criminal colour to a civil dispute and to wreak personal vengeance, vague and omnibus allegations have been made without attributing any specific overt act or role to the petitioner. It is further pointed out that on 12.07.2023, a similar complaint was lodged by respondent No.2 against the



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petitioner and others before Thalaghattapura Police Station in Crime No.224/2023. Accordingly, he prayed to quash the FIR against the petitioner.

5. *Per contra*, learned counsel for respondent No.2 contended that filing of the subsequent complaint relates to a distinct cause of action and has no bearing on the civil suit. He submitted that the petitioner along with other accused trespassed into the office premises and forcibly removed the property of respondent No.2. Hence, investigation is required and the petition is premature. Accordingly, he prayed to dismiss the petition.

6. Learned High Court Government Pleader (HCGP) appearing for respondent No.1-State also opposed the prayer on the ground that the investigation is at the initial stage to elucidate the truth, and prayed for dismissal of the petition.

7. I have given my anxious consideration to the submissions made by learned counsel for both sides and perused the material available on record.



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8. As could be gathered from the records, the registered Sale Deed dated 25.05.2023 was executed by respondent No.2-complainant in favour of accused No.1, and the civil suit in O.S. No.4020/2023 was also instituted by accused No.1 against respondent No.2 and others. In the said suit, an order of temporary injunction was granted against respondent No.2 on 30.06.2023. Eleven days after the order of injunction was passed, i.e., on 11.07.2023, the present complaint was filed alleging an incident dated 20.05.2023, without offering any explanation whatsoever for the delay of nearly two months in lodging the complaint.

9. Crucially, a perusal of the complaint and the materials on record reveals that except for omnibus allegations, no specific role or overt act is attributed to the present petitioner (Accused No.2). The petitioner is neither a purchaser under the registered Sale Deed nor a party to the civil litigation. He has been arrayed as an accused solely on account of being the father of accused No.1. Roping in family members of the principal parties in property or civil disputes by making vague



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and omnibus allegations, without attributing specific overt acts, constitutes a gross abuse of the process of the court.

10. Furthermore, the registration of another complaint on the very next day, i.e., on 12.07.2023 in Crime No.224/2023 at Thalaghattapura Police Station containing similar allegations against the petitioner, reinforces the inference that the criminal process has been set in motion as an instrument to settle private scores arising out of a civil dispute.

11. Under such circumstances, the Hon'ble Court in the case of **Mahmood Ali v. State of U.P.**, reported in **(2023) 15 SCC 488**, at paragraph Nos.11 to 14 held as under:

"11. 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.

12. 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



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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.

13. 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 482CrPC 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.

14.State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , 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 : (Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)

“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.



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6. *In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC 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)

12. On collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, those findings are squarely applicable to the present case since the complainant does not make out any cognizable offence against petitioner, even if the entire allegation made in the complaint is



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accepted on its face value also, no offence has been made against this petitioner. In such circumstances, continuation of the proceedings against this petitioner is nothing but abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed***.
- ii. The F.I.R. against petitioner/accused No.2 in Crime No.259/2023 dated 11.07.2023 registered by Konanakunte Police Station for the offences punishable under Sections 506, 380, 420, 454 r/w 34 of IPC, on the file of II Additional CMM Court, Bengaluru is hereby quashed.
- iii. It is clarified that the investigation /proceedings shall continue against the other accused in accordance with law.

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