



CNR: KAHC010031952021

NC: 2026:KHC:48762
CRL.P No. 695 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.695 OF 2021

BETWEEN:

1. SRI. MASHTAPPA
S/O LATE CHIKKANNA
AGED ABOUT 72 YEARS
2. HANUMANTHARAJU
S/O MASTHAPPA
AGED ABOUT 39 YEARS
3. ASHOK
S/O MASTHAPPA
AGED ABOUT 41 YEARS

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

PRESENTLY ALL ARE RESIDING
AT NO.23, NEAR YASHAS VIDYAKENDRA
SOMASHETTIHALLI VILLAGE
CHIKKABANAVARA POST
BENGALURU NORTH TALUK
BENGALURU-560 090.

...PETITIONERS

(BY SRI.CHANDRAKANTH R GOULAY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SOLDADEVANAHALLI
POLICE STATION



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YESHWANTHAPURA SUB-DIVISION
BENGALURU-560 090.

2. SMT. C. NAGARATHNAMMA
W/O NAGARAJU
AGED ABOUT 48 YEARS,
RESIDING AT SY. NO.1/5
NEAR ANJANEYA TEMPLE
SOMASHETTIHALLI VILLAGE
CHIKKABANAVARA
BENGALURU-560 090.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. PRADEEP KUMAR S.P., ADVOCATE FOR R2 - ABSENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS INITIATED AGAINST THE PETITIONERS IN CR.NO.230/2020 SOLADEVANA HALLI POLICE STATION FOR THE ALLEGED OFFENCES UNDER SECTIONS 341, 504, 506, 34 OF IPC PENDING ON THE FILE OF THE LEARNED CJM, BENGALURU RURAL DISTRICT, BENGALURU.

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

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

ORAL ORDER

This matter is listed for admission. I have heard learned counsel appearing for the petitioners and learned High Court Government Pleader appearing for respondent No.1-State. Learned counsel for respondent No.2-complainant, though represented is absent.



2. Learned counsel appearing for the petitioners prays this Court to quash the entire criminal proceedings initiated against the petitioners in Crime No.230/2020 for the offences under Sections 341, 504 and 506 read with Section 34 of IPC on the file of Chief Judicial Magistrate (CJM) Bangalore Rural District, Bangalore.

3. Learned counsel appearing for the petitioners would vehemently contend that a false complaint is filed through wife of one Mr. Nagaraju M. The counsel would submit that said Nagaraju was very much present at the time when the Surveyor visited the spot and he had also signed the document when the mahazar was conducted at the spot and having signed the same, he had put the date on 20.10.2020. The mahazar was drawn during the day time in respect of Sy.Nos.81/1 and 81/2 and no such incident has taken place. But, a false complaint is lodged. The counsel also brought to notice of this Court the complaint given by the wife of said Nagaraju and complaint was filed on 6.15 p.m. on the very same day making false allegation of wrongful restraint, abuse and causing life threat. The counsel also brought to



notice of this Court the contents of the complaint at Annexure B. In the complaint, time is mentioned as 11.50 a.m and at that time, the petitioners caused the interference and caused the life threat. But, this complaint was given in the evening at 6.15 p.m. It is also an allegation in the complaint that at 11.51 p.m., when the call was made to Police Control Room, they left the place. The counsel would contend that the content of the complaint is false and the document of mahazar is very clear that survey was conducted on 20.10.2020, wherein ADLR was also present and no complaint was given by either ADLR or any other supervisor when they conducted the spot inspection and survey.

4. The learned High Court Government Pleader for respondent No.1-State would submit that based on the complaint, case is registered and they could not conduct further investigation in view of stay granted by this Court.

5. Having heard learned counsel for petitioners and also considering the contents of the complaint given by the complainant-Smt.C.Nagarathnamma, it is seen that, in the complaint, she has referred herself as wife of Nagaraju M.



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Having taken note of Annexure-N-mahazar, it is very clear that ADLR of North Taluk visited the spot and Grama Panchayath officials were also present and spot inspection and survey was conducted and the document of mahazar was also signed by Nagraju M., who is none other than the husband of complainant. When this document discloses that no such incident has taken place while conducting survey in respect of Sy.Nos.81/1 and 81/2, the allegation made in the complaint that incident has taken place at 11.50 a.m. cannot be believed when her husband himself was present at the time of spot inspection and while conducting the survey and afterthought, a false complaint has been given in the evening at 6.15 p.m. and not immediately after the incident.

6. The contents of the complaint is also very clear that when they made phone call to the Police Control Room at 11.51 p.m. itself, the petitioners have left the place. Hence, the question of petitioners were present at the time of conducting the survey on the very same day and left the place does not arise and it clearly falsifies the complaint of respondent No.2-complainant. Hence, it is a fit case to invoke the provisions of



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Section 482 of Cr.P.C. or otherwise it amounts to abuse of process and leads to miscarriage of justice.

7. In view of the discussion made above, I pass the following:

ORDER

- (i) The criminal petition is ***allowed.***
- (ii) Consequently, the proceedings initiated against the petitioners in Crime No.230/2020 for the offences punishable under Sections 341, 504 and 506 read with Section 34 of IPC on the file of Chief Judicial Magistrate (CJM) Bangalore Rural District, Bangalore, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 31