



CNR: KAHC010032812020

NC: 2026:KHC:52616
CRL.P No. 3862 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 3862 OF 2020

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

BETWEEN:

1. SRI. RAMEGOWDA
S/O LATE VENKATEGOWDA
AGED ABOUT 67 YEARS,
RESIDENT OF VINAYAKANAGARA EXTENSION,
KARASAVADI ROAD MANDAY
MANDYA - 571 401
2. SMT. NINGAMMA (PUTTALINGAMMA)
W/O RAMEGOWDA,
AGED ABOUT 62 YEARS,

RESIDENT OF VINAYAKANAGARA EXTENSION,
KARASAVADI ROAD MANDAY
MANDYA - 571 401
3. HOMBEGOWDA
S/O LATE THIMMEGOWDA
AGED ABOUT 72 YEARS,
R/AT NO.1848, 3RD CROSS
MATHA NOURSHING HOME
BLOCK BANDIGOWDA
MANDYA - 571 401
4. NANDEESHA
S/O RAMEGOWDA
AGED ABOUT 34 YEARS,

RESIDENT OF VINAYAKANAGARA EXTENSION,
KARASAVADI ROAD MANDAY

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Location: HIGH
COURT OF
KARNATAKA



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MANDYA - 571 401

5. CHANDRASHEKARA
S/O RAMEGOWDA
AGED ABOUT 30 YEARS,

RESIDENT OF VINAYAKANAGARA EXTENSION,
KARASAVADI ROAD MANDAY
MANDYA - 571 401

...PETITIONERS

(BY SRI. SANATH KUMARA K M.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY NAGAMANGALA RURALPOLICE STATION
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE - 560 001

2. SMT. JYOTHI
W/O PARAMESHA
AGED ABOUT 30 YEARS,
GANGAVADI VILLAGE
HONAKERE HOBLI
NAGAMANGALA TALUK
MANDYA DISTRICT - 571 432

...RESPONDENTS

(BY SRI.M.DIWAKAR MADDUR, HCGP FOR R1/STATE;
SRI. VISHWANATH KANAVI, ADV. FOR R2)

THIS CRL.P FILED U/S.482 CR.P.C PRAYING TO QUASH
THE CHARGE SHEET FILED IN C.C.NO.397/2019 ON THE FILE
OF THE CIVIL JUDGE (Jr.Dn) AND JMFC, NAGAMANGALA FILED
BY THE RESPONDENT NO.1 POLICE U/S 143, 504, 323, 354,
114, 506, 149 OF IPC AGAINST PETITIONERS.

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



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

ORAL ORDER

Heard the counsel appearing for the petitioners and also the counsel appearing for the State. Though the complainant/respondent is represented through counsel, learned counsel for the respondent No.2 is absent.

2. A prayer sought in this petition is to quash the initiation of proceedings against the petitioners in C.C.No.397/2019 for the offences punishable under Section 143, 504, 323, 354, 114, 506 and 149 of IPC.

3. The counsel appearing for the petitioners would submit that earlier there was a civil dispute between the petitioners and the complainant. There was a decree in O.S.No.19/2006 and the same is also challenged in Regular Appeal No.175/2006 and the said appeal also came to be dismissed. To that effect, the petitioners have produced documents - Annexures-A and B. The counsel also submits that both the orders were challenged before



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this Court in RSA No.310/2009 and the same also came to be dismissed vide order dated 09.06.2009. Having ill will being unsuccessful in the civil proceedings, the present complaint is filed.

4. The counsel would contend that the incident had took place on 17.06.2018 at 11 a.m. and to that effect, complaint was given to the police as per Annexure - E, but the police did not register the case. The counsel also produced Annexure-F wherein also the Station House Dairy entry issued by the Rural Police Station, Nagamangala, discloses that the first petitioner went to the police station on 18.06.2018 to pursue the said complaint and to that effect also there is an entry, but police did not register the case. Hence, the petitioners have approached the Superintendent of Police, Mandya District and gave representation as per Annexure-G and there is an acknowledgment to that effect in Annexure-G.



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5. When the effort was made to record the registration of case, the police have indulged in taking complaint from the other side and registered the case against these petitioners in Crime No.202/2018 invoking the offences under Sections 504, 323, 354, 114, 506 and 149. The said complaint is also belated complaint, since after 4 days of the incident the complaint came to be lodged. The counsel also brought to the notice of this Court that Wound Certificate is a created document, which is produced before the Court and it shows that the complainant went to the hospital on 28.06.2018 i.e., after 11 days of the incident, wherein also the date is mentioned as '28.06.2018'. The same got corrected as 17.06.2018, since the incident had and assault took place on 17.06.2018. The certificate also discloses only a pain over the head of the injured. This document is also created only for the purpose of filing the case. Hence, it is a clear case of abuse of process.



6. The counsel also submitted that in respect of the complaint given by the petitioners, police have not registered the case and instead registered the case against these petitioners when these petitioners approached the Superintendent of Police with regard to non-registration of the case. The counsel also submitted that in view of the said complaint, the police investigated the matter and cited the eyewitnesses as CW2 to CW5, only with an intention to harass the petitioners.

7. The counsel appearing for the State would submit with regard to this incident is concerned that, police have registered the FIR and investigated the matter and recorded the statement and the same is a matter of trial.

8. While considering the grounds of the petition, the Court has to take note of that there was an incident on 17.06.2018 and on the very same day the complaint was given to the police, but the police did not register the case



in terms of Annexure-E and so also, the petitioners have pursued the matter on the next day as per Annexure-F.

9. With regard to the visit to police station, Station House Dairy entry is also clear as per Annexure-F. When the police did not take a decision with regard to the complaint of the petitioners, they approached the Office of Superintendent of Police as per Annexure-G, which also bears the date of 21.01.2018. On the very same day, the police have received the complaint from the other side and registered the case and there was delay in lodging the complaint about 4 days and the same is entertained.

10. So also the Wound Certificate which is relied upon by prosecution shows that the injured went to the hospital on 28.06.2018, but the date of Wound got corrected as 17.06.2018, but the history was earlier mentioned as 28.06.2018. Hence, having taken note of all these documents, it is very clear that it is nothing but an abuse of process, that too, at the instance of the police.



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When the police have not registered the case in respect of these petitioners and when the complaint was given to the Superintendent of Police, the complaint was received from the other side and registered the case and even sent the injured to hospital on 28.06.2018, even though he was in pain. After 11 days of the incident, the documents are manipulated and charge sheet is filed and this is a classic case of abuse of powers by the police as well as complainant and as counter blast since the complaint was given by the petitioner when the allegation is made against the police that they have not registered the case and the complaint was given to the Superintendent of Police and entertained the complainant and registered the case on the same day and complaint given to the Superintendent of Police.

11. Though counsel appearing for the State would submit that there are eye witnesses to the incident, but there are no reasons by the police as to why they have not



either given any NCR to the petitioners or registered the case when the allegation is made by these petitioners that assault was made against them. Hence, it is a clear case of misuse of powers and if this Court fails to entertain the petition under Section 482 of Cr.P.C., it will lead to the miscarriage of justice and also an abuse of process.

12. Having considered overall aspects of the case and non-registration of the case of the petitioners, the police have acted adversely in respect of the petitioners are concerned and it shows that they were in hand in glove with the complainant in registering this case when the allegation was made against them. The very conduct of the police is deprecated in entertaining this type of false complaint, that too, after 4 days of the incident and investigating the matter and filing of the charge sheet. Hence, it is appropriate to direct the concerned Superintendent of Police where CW9 to CW11 are serving, to initiate the action against the Investigating Officers -



CW9 to CW11 for misuse of powers and registration of false case against the petitioners herein.

13. In view of the discussions made above, the following:

ORDER

- (i) Criminal Petition is ***allowed***.
- (ii) The proceedings in C.C.No.397/2019 pending on the file of Civil Judge (Sr. Dn.) and JMFC Court at Nagamangala for the offence punishable under Sections 143, 504, 323, 354, 114, 506 and 149, is quashed, confining to the petitioners only.
- (iii) The Superintendent of Police of the concerned District where the CW9 to CW11 are working, is directed to initiate the disciplinary action against them in view of the observations made by this Court and this order to be communicated to the Director General of



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Police and Inspector General of Police to direct the concerned Superintendent of Police where CW9 to CW11 are working to initiate action against them and report to this Court within a period of 2 months for taking action.

Sd/-
(H.P.SANDESH)
JUDGE

DR
List No.: 1 Sl No.: 20