



CNR: KAHC010036092025

NC: 2026:KHC:50163
CRL.P No. 855 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 855 OF 2025 (482(Cr.PC) /
528(BNSS)-)

BETWEEN:

1. S G LOKESH
SON OF SR GOPALA
AGED ABOUT 42 YEARS
2. SMT. KOKILA TG
WIFE OF SG LOKESH
AGED ABOUT 36 YEARS
3. SMT.GUNAVATHI
WIFE OF SR GOPAL,
AGED ABOUT 65 YEARS
4. SR GOPAL
SON OF RANGASHETTY,
AGED ABOUT 71 YEARS

ALL ARE RESIDING AT LAKSHMIPURAM BADAVANE,
SAKLESH PURA TOWN,
HASSAN 573 134

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. ABHINAY Y T.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SAKALESHPURA CIRCLE POLICE STATION
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU 560 001



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2. N SRINIVAS
SON OF LATE NANJUNDASHETTY,
AGED ABOUT 71 YEARS
AND RESIDING AT MALLIKARJUNA NAGARA BADAVANE,
SAKLESH PURA TOWN,
HASSAN 573 134

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
R2-SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE PROCEEDINGS IN CC NO. 458/2024 PENDING ON THE FILE OF HONBLE SENIOR CIVIL JUDGE AND JMFC SAKALESH PURA FOR OFFENCES PUNISHABLE UNDER SECTION 143, 144, 323, 427, 447, 504, 506 R/W 149 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioners are before this court seeking for the following reliefs:

a) Quash the proceedings in CC No.458 of 2024 pending on the file of Hon'ble Senior Civil Judge and JMFC Sakeleshpura for offences punishable under Section 143, 144, 323, 424, 447, 504, 506 r/w 149 of IPC to meet the ends of justice.

2. Notice having been issued to respondents, respondents have chosen to be unrepresented.



3. Respondent No.2 had filed a private complaint in PCR No.2/2024 under Section 200 of Cr.P.C. alleging offences under Section 143, 144, 323, 427, 447, 504, 506 read with 149 of IPC. Sworn statement having been recorded, process was ordered on 3.06.2024. It is challenging the same, the petitioner is before this Court.
4. Submission of learned counsel for the petitioner is that respondent No.2 himself through his power of attorney has filed a suit in O.S. No.273/2023 seeking for injunction restraining the petitioners from interfering with his possession. The petitioners have also filed a suit in O.S. No.47/2024 seeking for injunction restraining the defendants therein including respondent No.2 and his power of attorney holder and certain others from obstructing the petitioners from using the road providing access to their residential house. His submission is that when there are two suits which are pending, a complaint



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has been filed only to give a criminal element to the civil dispute.

5. Submission of learned counsel for the petitioner is that in the interlocutory application filed in O.S. No.273/2023, it is contended that the interference occurred on 24.08.2023, wherein in the sworn statement which has been filed, the contention is that interference occurred on 27.10.2023, which are two different dates. According to him, the same is a contradiction and petitioners are sought to lodge criminal proceedings in a civil dispute.
6. On enquiry with the learned HCGP, if any other third party apart from the petitioner and respondent No.2 have come forward to give any statement and if there is any other material which is available indicating the interference as stated above, on instructions, she submits that apart from the statement of petitioner and respondent No.2, there are no other statement which are available.



7. When a suit is filed by the petitioner, as also counter suit filed by respondent No.2, as regards the very same property, both of them seeking injunction pending the allegation of interference. A similar allegation has been made by respondent No.2 in O.S. No.273/2023 *albeit* alleging that interference occurred on 24.08.2023, wherein a criminal complaint which has been lodged that there is interference with assault on 27.10.2023.
8. Though such allegations have been made in the complaint, taking into consideration that there are two suits which are pending as regards the very same property, this Court is of the considered opinion that the dispute is essentially civil in nature as regards property involving access to the residential house which has been given criminal colour. The allegations are also omnibus, in the criminal complaint there is no specificity. In the said complaint, except to make an allegation that there is



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a threat to life of respondent No.2 given by the petitioners. The allegation of assault having been made, there is no wound certificate which is available indicating any such assault. In that view of the matter, this Court is of the considered opinion that the criminal proceedings had been filed only in addition to civil proceedings which have been filed. As such this Court passes the following:

ORDER

- i. The petition is allowed.
- ii. The proceedings in C.C. No.548/2024 pending on the file of Senior Civil Judge and JMFC, Sakaleshpur, is quashed.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

LN
List No.: 1 Sl No.: 20