



CNR: KAHC010047972021

NC: 2026:KHC:50306
CRL.P No. 1045 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1045 OF 2021

BETWEEN:

1. SRI SACHIDANANDA SWAMY
S/O MADALIAH
AGED 70 YEARS
R/O NO.1709, 17TH MAIN ROAD
8TH CROSS, J P NAGAR
2ND PHASE
BENGALURU-560078
2. SRI YUVARAJA
S/O SRI SACHIDANANDA SWAMY
AGED 35 YEARS
R/O NO.1709, 17TH MAIN ROAD
8TH CROSS, J P NAGAR
2ND PHASE
BENGALURU-560078

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI YASHWANTH NETHAJI N T, ADVOCATE FOR
SRI K V NARASIMHAN, ADVOCATE)

AND:

1. STATE BY BANASHANKARI
POLICE STATION
JAYANAGAR SUB-DIVISION
BENGALURU CITY



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REP. BY SUB-INSPECTOR OF POLICE
BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560001

2. SRI HANUMANTHARAYAPPA
AGED 60 YEARS
S/O LATE GANGANNA
R/A NO.648/22, RR HOME
GUBBALALA
SURAMANYAPURA POST
UTTARHALLI HOBLI
BENGALURU-560061

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SRI M S VISHWANATHA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR AND COMPLAINT IN CR.NO.200/2020 OF THE
1ST RESPONDENT POLICE ON THE FILE OF THE LEARNED III
ACMM, NRUPATUNGA ROAD, BANGALORE FOR THE ALLEGED
OFFENCES P/U/S 506, 341, 448, 143 AND 149 OF IPC AND
ETC.

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 the learned counsel appearing for the respective parties.

2. The present petition is filed praying this Court to quash the FIR and complaint in Crime No.200/2020 for the offences punishable under Sections 506, 341, 448, 143 and 149 of IPC.

3. The present petitioners are accused Nos.1 and 2. The counsel appearing for the petitioners would submit that having considered the contents of the complaint, it is very clear that on 29.12.2020 at 01.30 p.m. these two petitioners came along with 7 to 8 persons and locked the gate. When the complainant went near the house, he was threatened and also the petitioner Sachidananda Swamy directly caused the threat to his son. Hence, request was made to take action against the petitioners herein. Based on this complaint, the case has been registered for the offences punishable under Section 506, 341, 448, 143, 149 of IPC.



4. The counsel for the petitioners would contend that no such incident has taken place and the alleged complaint is a result of the civil dispute between the parties. The counsel also would contend that referring this complaint, a civil suit was also filed within 4 days and in the suit also mentioned the cause of action in the respect of this complaint is concerned. The counsel also would contend that though an allegation is made that 7 to 8 persons have accompanied these petitioners, no case is registered against those 7 to 8 persons. The very contents of the complaint also does not disclose the committing of any offences except an omnibus statement made in the complaint. It is a clear case of abuse of process in view of civil dispute between the parties.

5. Per contra, the counsel appearing for the State would submit that though in the complaint not specifically stated the words which have been uttered for causing of life threat, but there is a specific averment that they caused the life threat.

6. The counsel appearing for respondent No.2/complainant would vehemently contend that though not



specifically mentioned in the complaint with regard to the specific words which have been used while causing the life threat, but very specific averment is made that when the complainant son went and enquired, the petitioners caused the life threat. Hence, the matter requires to be investigated.

7. Having heard the learned counsel appearing for the respective parties and also considering the document of Annexure-A complaint, no doubt, it is a settled law that while entertaining the petition under Section 482 of Cr.P.C particularly with regard to quashing of complaint is concerned, there must be a specific accusation with regard to the incident is concerned. Having perused the complaint averments, it is specifically stated that they came and locked the gate. But FIR is otherwise and the same is not in terms of the complaint as per Annexure-A wherein it is stated that they trespassed the property and they kept the chair and table inside the premises and wrongfully restrained them and the same is also not found in the complaint and contents of the complaint is otherwise that when the son of the complainant went near the house, threat was made. Having taken note of the contents of the complaint,



it does not disclose any ingredients of the offences which have been invoked. Thus, the very incident is doubtful having considered the contents of the complaint. The Court can exercise the powers under Section 482 for even quashing of the complaint also if complaint does not constitute the ingredients of the offence. The law is also settled that if complaint discloses committing of any offences, then Court cannot interfere in quashing the FIR. But in the case on hand, the ingredients of alleged offences are not found. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C. It is also not in dispute that based on this complaint, a civil suit is filed wherein also prayer is sought for the relief of permanent injunction. When there is a civil dispute between the parties, there cannot be giving of criminal colour in respect of the civil dispute. Hence, it is a fit case to quash the proceedings.

8. In view of the discussions made above, I pass the following:

ORDER

- (i) The petition is allowed.



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- (ii) The proceedings against the petitioners based on the FIR and complaint in Crime No.200/2020 for the offences punishable under Sections 506, 341, 448, 143 and 149 of IPC is hereby quashed.
- (iii) The discussion made while quashing the proceedings against the petitioners shall not influence the Trial Court while considering the matter on merits in the civil suit.

Sd/-
(H.P.SANDESH)
JUDGE

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