



CNR: KAHC010049672025

NC: 2026:KHC:54384
CRL.P No. 1170 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1170 OF 2025 (482(Cr.PC)

/ 528(BNSS)-)

BETWEEN:

1. VIJAY KUMAR
S/O LATE KRISHNAPPA
AGED ABOUT 61 YEARS
R/AT NO. 521
11TH CROSS, 4TH MAIN
3RD BLOCK BEL LAYOUT
VIDHYARANYAPURA
BENGALURU
PIN 560097
2. PRABHAKAR K
S/O LATE KRISHNAPPA
AGED ABOUT 67 YEARS
R/AT 396 7TH B ROAD
KALLAPPA LAYOUT
BASAVANAGAR
BENGALURU PIN 560037



...PETITIONERS

(BY SMT. SHOBHA H K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
HALASURU POLICE STATION
BENGALURU
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU 560001.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010049672025

NC: 2026:KHC:54384
CRL.P No. 1170 of 2025

2. SRI RAVI H
S/O LATE K L HUCHE GOWDA
AGED ABOUT 42 YEARS
R/AT NO. 96/1, 7TH CROSS
DOMLUR VILLAGE
DOMLUR
BENGALURU PIN 560071

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. A. FEROZE NIZAM., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO CALL FOR THE ENTIRE RECORDS ON THE FILE OF THE X ADDL. CHIEF JUDICIAL MAGISTRATE, MAYOHALL, BENGALURU OF HALASURU POLICE STATION, BENGALURU IN C.C. NO. 70318/2024 (CR. NO. 232/2024) AND FURTHER BE PLEASED TO QUASH THE ENTIRE PROCEEDINGS ON THE FILE OF THE X ADDL. CHIEF JUDICIAL MAGISTRATE, MAYOHALL, BENGALURU OF HALASURU POLICE STATION, BENGALURU IN C.C. NO. 70318/2024 (CR. NO. 232/2024) FOR THE ALLEGED OFFENCES PUNISHABLE U/S. 115(2), 118(2), 3(5), 329(4), 351, 352 OF THE BHARATIYA NYAYA SANIHTA (BNS), 2023 AND GRANT ANY SUCH OTHER RELIEF/S AS THIS HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

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:

Call for the entire records on the file of the X Addl. Chief Judicial Magistrate, Mayohall, Bengaluru of Halasuru Police Station, Bengaluru in C.C. No. 70318/2024 (Cr. No. 232/2024) and further be pleased to Quash the entire proceedings on the file of the X Addl. Chief Judicial Magistrate, Mayohall, Bengaluru of



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010049672025

NC: 2026:KHC:54384
CRL.P No. 1170 of 2025

Halasuru Police Station, Bengaluru in C.C. No. 70318/2024 (Cr. No. 232/2024) for the alleged offences punishable u/s. 115(2), 118(2), 3(5), 329(4), 351, 352 of The Bharatiya Nyaya Sanihta (BNS), 2023 and grant any such other relief/s as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice.

2. Respondent No.2 had lodged a complaint on 05.07.2024 alleging that in the 4 feet passage which is the approach to the house belonging to his mother where the mother, respondent No.2 and his elder brother are residing. The petitioners who are his uncles had sought to stop the usage of the said passage and when questioned by the complainant, the said person had assaulted him on 03.07.2024 at 14.18 hours which is stated to be captured in the CCTV which had been installed.
3. Subsequently, again on 04.07.2024 allegation has been made that the petitioner had come to the site and threatened the complainant and earlier also on 29.05.2024 a similar incident had occurred. In the complaint, it was categorically stated that all the incidents have been captured in the CCTV installed at the site. Investigation has been completed, a charge sheet has been laid against the petitioners for offences under Section 115, 118, 329, 351, 352, 355 of the BNS 2023. It is challenging the same that the



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010049672025

NC: 2026:KHC:54384
CRL.P No. 1170 of 2025

petitioner is before this Court seeking for the aforesaid reliefs.

4. The submission of Smt.Shobha.H.K., learned counsel for the petitioner is that there is a civil dispute as regards the said passage inasmuch as OS No.25470 of 2024 has been filed. She further contends that there is a partition which has occurred between the family members where under the petitioners also have a right to use the passage and as such it is not an exclusively property of respondent No.2. Therefore, he submits that civil dispute has given a criminal colour by filing a complaint on 05.04.2024 which came be registered as Crime No.232/2024 by Halasur Policed Station.
5. On that she submits that the complaint and investigation which has been carried out is not proper, the Investigating Officer ought to have considered that the disputes are essentially civil in nature and not laid a charge sheet. On the grounds above, she submits that the above petition is required to be allowed and the proceedings, criminal proceedings are required to be quashed.
6. Heard Smt.Shobha.H.K., learned counsel for the petitioner, Smt.Rashmi Patel., learned HCGP for



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010049672025

NC: 2026:KHC:54384
CRL.P No. 1170 of 2025

respondent No.1 and Sri.A.Feroze Nizam., learned counsel for respondent No.2. Perused papers.

7. It is not in dispute that there is a civil dispute between the parties in respect of the four-feet passage and that O.S. No.25470/2024 is pending. However, the pendency of a civil dispute by itself would not justify quashing the criminal proceedings if the complaint also discloses specific allegations constituting criminal offences.
8. In the present case, respondent No.2 has made specific allegations that on 03.07.2024 the petitioners assaulted him when he questioned their attempt to prevent use of the passage and that on 04.07.2024 they again came to the spot and threatened him. An earlier incident dated 29.05.2024 is also referred to. The complaint specifically states that the incidents were captured in the CCTV camera installed at the site.
9. Investigation has been completed and a charge sheet has been filed for offences under Sections 115, 118, 329, 351, 352 and 355 of the BNS. The charge sheet is stated to be supported by CCTV material, including photographs indicating the presence of accused



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010049672025

NC: 2026:KHC:54384
CRL.P No. 1170 of 2025

Nos.1 and 2 at the relevant place and time, apart from the statements of witnesses.

10. At this stage, this Court cannot undertake an appreciation of the CCTV footage or the statements of the witnesses. Whether the petitioners had a right to use the passage is a matter for consideration in the pending civil proceedings. Such right, even if ultimately established, would not by itself answer the allegations of assault and threat.
11. Therefore, this is not a case where the criminal proceedings are based only on vague or omnibus allegations. There are specific allegations against the petitioners and material collected during investigation in support thereof. The contentions raised by the petitioners would require appreciation of evidence and, therefore, have to be considered by the Trial Court.
12. Consequently, no ground is made out for exercise of the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
13. This Court passes the following;



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified



CNR: KAHC010049672025

NC: 2026:KHC:54384
CRL.P No. 1170 of 2025

ORDER

- i. Criminal petition stands ***dismissed***.
- ii. Liberty is reserved to the petitioner to agitate all defences before the trial Court.



Digitally Signed By:
SURAJ GOVINDA RAJ
06/10/2026, 17:02, Bengaluru
Verified

(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 18