



CNR: KAHC010050352025

NC: 2026:KHC:52339
CRL.P No. 1177 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1177 OF 2025 (482(Cr.PC)

/ 528(BNSS)-)

BETWEEN:

1. SRI GOVINDASWAMY
SON OF LATE REVANNA,
AGED ABOUT 65 YEARS,
RESIDING AT NO.27,
'SRI HANUMAN STORES',
GOVINDAPURA, ARABIC COLLEGE
POST, BENGALURU-560045.
2. SRI KIRAN KUMAR,
SON OF MANJUNATH,
AGED ABOUT 33 YEARS,
RESIDING AT NANDU'S GRAND GIRLS STAY,
NO.186/1, 4TH CROSS ROAD,
NEAR H.K.B.K COLLEGE
VYALIKAVAL SOCIETY, VYALIKAVAL
H.S.B.C LAYOUT, NAGAVARA,
BENGALURU-560045.
3. KUMARI RAGINI,
DAUGHTER OF LATE ASHWATHNARAYANA
AGED ABOUT 25 YEARS,
RESIDING AT NO.33,
OPPOSITE TO GOVERNMENT SCHOOL,
NEAR SAMUDAYA BHAVAN,
GOVINDAPURA, BENGALURU-560045.
4. KUMARI KEERTHANA,
(WRONGLY SHOWN AS KUMARI
KEERTHAN IN THE PCR)
DAUGHTER OF LATE ASHWATHNARAYANA,
AGED ABOUT 23 YEARS,



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(WRONGLY SHOWN AS 25 YEARS IN THE PCR)
RESIDING AT NO.33,
OPPOSITE TO GOVERNMENT SCHOOL,
NEAR SAMUDAYA BHAVAN, GOVINDAPURA,
BENGALURU-560045.

...PETITIONERS

(BY SRI. C SHANKAR REDDY., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
D.J HALLI POLICE STATION,
BENGALURU CITY.
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001
2. SRI K. NANJUNDASWAMY
SON OF LATE R. KARIBASAPPA,
AGED ABOUT 78 YEARS,
RESIDING AT NO.3, NEW NO.1879,
GOVINDAPURA, ARABIC COLLEGE POST,
BENGALURU-560045.

...RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
MISS K.R. BHUVANESHWARI, ADVOCATE FOR
SRI. C.R. RAGHAVENDRA REDDY., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN PCR NO. 64160/2024 LODGED BY THE SECOND RESPONDENT HEREIN PENDING ON THE FILE OF THE XI ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT BENGALURU BY THE FIRST RESPONDENT POLICE INITIATED FOR THE OFFENCES PUNISHABLE UNDER SECTION 329, 351, 318 READ WITH SECTION 3 OF THE BNSS AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

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

a) Quash the criminal proceedings in PCR No. 64160/2024 lodged by the second respondent herein pending on the file of the XI Additional Chief Judicial Magistrate at Bengaluru by the first respondent police initiated for the offences punishable under section 329, 351, 318 read with Section 3 of the BNSS.

b) Grant such other relief's as this Hon'ble Court may deem fit to grant in the facts and circumstances of the case to meet the ends of justice.

2. Respondent No.2 filed a private complaint in PCR No.64160/2024 alleging that the petitioners, along with several others, were attempting to trespass into his property bearing Survey No.38/1, situated at Govindapura Village, Nagavara Taluk, Kasaba Hobli, Bengaluru North Taluk. An explanation was called for from the DJ Halli Police Station by order dated 13.09.2024. Aggrieved by the same, the petitioners have approached this Court seeking the aforesaid reliefs.
3. Sri. C. Shankar Reddy, learned counsel for the petitioners, submits that there was an earlier suit in





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O.S. No.25013/2007, in which Petitioner Nos.3 and 4 were allotted certain rights in respect of the property bearing Survey No.45/3, measuring 1 acre 14 guntas, situated at Nagavara Village, Kasaba Hobli, Bengaluru North Taluk. A decree was thereafter drawn and, according to the petitioners, they have been in possession and enjoyment of the said property.

4. It is further submitted that Petitioner Nos.3 and 4 instituted O.S. No.4367/2024 against Respondent No.2 seeking a permanent injunction restraining him from interfering with their alleged peaceful possession and enjoyment of the suit schedule property. The said suit was instituted before the present complaint was lodged. After the written statement was filed in the suit, Respondent No.2 filed the private complaint on 14.08.2024. Learned counsel therefore submits that the private complaint is a counterblast to the civil suit instituted by Petitioner Nos.3 and 4, represented by Petitioner No.1 as their power of attorney holder.
5. Learned counsel submits that the dispute essentially concerns possession of the property. While the petitioners allege that Respondent No.2 is interfering



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with their possession, Respondent No.2 alleges that the petitioners are interfering with his possession. According to him, the dispute is already before the Civil Court and ought to be resolved in those proceedings. On this ground, he submits that the criminal proceedings are liable to be quashed.

6. Learned counsel appearing for Respondent No.2, on the other hand, has placed on record the documents produced along with the private complaint. She submits that the photographs accompanying the complaint show that a large number of persons had entered the property on 13.03.2024 and attempted to interfere with the possession of Respondent No.2. It is further submitted that the said persons again came to the property in the early hours of 03.04.2024, at about 1.49 a.m., and attempted to construct a compound wall. It is in these circumstances that Respondent No.2, who is stated to be a senior citizen, lodged the complaint.
7. Learned counsel further submits that there has been continued interference with the possession of Respondent No.2 and that the petitioners are alleged to have acted through other persons. Reference is also made to other FIRs said to be pending against



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Petitioner No.2, Kiran Kumar, as well as against Kiran Kumar and Keshav Kumar. However, the records relating to those proceedings have not been placed before this Court. Therefore, no finding can be recorded on the basis of those allegations in the present proceedings.

8. Learned counsel for the petitioners, in response, submits that Petitioner Nos.1, 3 and 4 are not seen in the photographs produced along with the complaint and, therefore, there is no basis to proceed against them.
9. Heard Sri. C. Shankar Reddy, learned counsel for the petitioners, Sri. Ranjith Kumar N., learned HCGP for Respondent No.1, and Ms. K. R. Bhuvaneshwari, learned counsel appearing for Sri. C. R. Raghavendra Reddy, learned counsel for Respondent No.2. Perused the material on record.
10. The submissions of the learned counsel and the material on record indicate that there is a dispute between the parties regarding the property and its possession. Petitioner Nos.2, 3 and 4, represented by Petitioner No.1, have instituted O.S. No.4367/2024 against Respondent No.2. Respondent No.2, on the



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other hand, alleges that the petitioners are interfering with his possession.

11. The pendency of the civil suit, by itself, would not prevent Respondent No.2 from setting the criminal law in motion if the allegations disclose a separate criminal act. The question before this Court is therefore not merely whether there is a civil dispute regarding the property, but whether the allegations in the private complaint disclose an allegation of criminal trespass which requires investigation.
12. In the present case, the photographs produced along with the complaint show the presence of a large number of persons at the property. One of the photographs is relied upon to allege that persons entered the property in the early hours of 03.04.2024 and attempted to construct a compound wall. Whether the persons had entered the property without authority, whether such entry amounts to criminal trespass, and who had directed or participated in such acts are matters which require investigation.
13. It is true that Petitioner Nos.1, 3 and 4 are not stated to be visible in the photographs. However, their absence from the photographs, by itself, does not



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establish that they had no connection with the alleged incident. The complaint alleges that the petitioners were acting together and that the alleged interference was carried out through other persons. Whether Petitioner Nos.1, 3 and 4 were personally present or whether the alleged acts were carried out at their instance or through Petitioner No.2 or other persons is a matter to be examined during investigation.

14. At this stage, this Court cannot undertake an appreciation of the evidence or determine the precise role of each petitioner. The photographs and the other material placed along with the complaint disclose circumstances which require verification by the Investigating Officer. The investigation can also ascertain the identity of the persons who were present at the property, the circumstances in which they entered the property and the purpose for which they had gathered there.
15. The fact that a civil suit is pending between the parties does not, in the circumstances of the present case, by itself warrant interference with the criminal proceedings. A dispute regarding title or possession may be a matter for the Civil Court, but if, during the



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pendency of such dispute, there is an allegation of unauthorised entry into the property and an attempt to interfere with possession by a group of persons, the alleged criminal act can independently be investigated in accordance with law.

16. At the same time, the pendency of the civil proceedings and the rival claims of possession will have to be kept in view during the investigation. The existence of the civil dispute cannot, by itself, establish the commission of criminal trespass; nor can it, by itself, prevent an investigation into a specific allegation of such trespass.
17. In the circumstances, at this stage, it cannot be said that the allegations against the petitioners are wholly baseless or that no investigation is required. The question as to whether the petitioners, individually or through others, were involved in the alleged acts requires investigation and cannot be conclusively decided in a petition seeking to interdict the proceedings at the threshold.
18. In that view of the matter, this Court passes the following:



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ORDER

- i. The petition stands ***dismissed*** reserving liberty to the petitioners to challenge the charge sheet if and when filed against the petitioners.
- ii. The respondents are directed to proceed with the investigation.
- iii. It is made clear that this Court has not considered the merits of the matter. The consideration is only as regards the ex-facie and prima facie view in the matter. The investigation shall be proceeded with without being influenced by any observation made in the present order.

I.A.No.1/2026 stands dismissed.



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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 2 Sl No.: 30