



CNR: KAHC010055432025

NC: 2026:KHC:54425
CRL.P No. 1236 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. 1236 OF 2025 (482(Cr.PC)

/ 528(BNSS)-)

BETWEEN:

1. JAYASURYA D R.,
S/O RAMESH D H
AGED ABOUT 27 YEARS
NO. 36, DEVARAHALLI VILLAGE
DODDARASINAKEE
BHARATHINAGAR POST
MADDUR TALUK
MANDYA DISTRICT 571422
2. ABHISHEK R
S/O RAJU T
AGED ABOUT 27 YEARS
MELLALLI VILLAGE
BHARATHINAGAR POST
MADDUR TALUK
MANDYA DISTRICT 571422



...PETITIONERS

(BY SRI. G M ANANDA.,ADVOCATE)

AND:

1. STATE BY MANDYA RURAL POLICE
MANDYA TALUK
MANDYA DISTRICT 571403
REPRESENTED BY STATE PUBLIC PROSECUTOR
ADVOCATE GENERAL OFFICE
HIGH COURT BUILDING
BENGALURU 560 001

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2. MADHURAJ B S
S/O SHANTHIRAJU H D
AGED ABOUT 35 YEARS
BHUTHAHOSURU VILLAGE
KOTHATHI HOBLI
MANDYA TALUK
MANDYA DISTRICT 571403

...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 CALL FOR RECORDS FROM THE COURT BELOW AND QUASH THE ENTIRE PROCEEDINGS IN C.C NO. 1961/2024 (CR.NO.188/2024) PENDING ON THE FILE OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, MANDYA, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 114, 324, 341, 326 AND 506 OF IPC REGISTERED BY THE 1ST RESPONDENT POLICE ON THE COMPLAINT OF THE 2ND RESPONDENT.

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. *Call for records from the court below;*
- b. *Quash the entire proceedings in C.C No. 1961/2024 (Cr.No.188/2024) pending on the file of the Judicial Magistrate of First Class, Mandya, for the offences punishable under Sections 504, 114, 324, 341, 326 and 506 of IPC registered by the 1st respondent police on the complaint of the 2nd respondent.*

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2. Respondent No.2 lodged a complaint on 18.05.2024, which came to be registered as Crime No.188/2024 by Mandya Rural Police Station for offences punishable under Sections 143, 147, 504, 506, 114, 324, 341, 326 and 149 of the IPC. After investigation, charge sheet was filed on 17.07.2024 for offences under Sections 504, 114, 324, 341, 326 and 506 of the IPC, while the offences under Sections 143, 147 and 149 were not pressed.
3. The allegation is that there was a dispute between the complainant and one Shivaraju regarding cutting of trees situated on the boundary of their respective properties. On 15.05.2024 at about 8.30 p.m., when the complainant went to the house of Shivaraju, an altercation took place, followed by verbal abuse and physical assault. Specific allegations are made against several persons, including the present petitioners.
4. Learned counsel for the petitioners submits that the petitioners are residents of different villages and have been unnecessarily implicated. It is further contended that, even assuming their presence at the spot, no specific overt act is attributed to them in relation to the grievous injuries sustained by the complainant and, therefore, the offence under Section 326 of the IPC cannot be sustained against them.

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5. The said contention requires consideration in the light of the material collected during investigation. The wound certificate of the complainant records four injuries, of which two are stated to be grievous and two simple. Whether the grievous injuries were caused by the petitioners, whether they were present at the spot, and the precise role played by each of them are matters which depend upon appreciation of the oral and medical evidence.
6. There is also a material circumstance which cannot be ignored. In respect of the very same incident, Smt. Bharathi, wife of Shivaraju, lodged a complaint on 20.05.2024, which was registered as Crime No.192/2024. That complaint also refers to the incident having occurred on 15.05.2024 at about 8.30 p.m., but contains a completely different version, alleging that Madhuraj, respondent No.2 and his family members had assaulted Shivaraju.
7. Thus, both sides have given competing versions of the same occurrence, with each side alleging that the other commenced the assault. The proceedings arising from Crime No.192/2024 have already proceeded to trial, and the proceedings against the other accused in Crime No.188/2024 have also proceeded to trial. The proceedings against the present petitioners alone have

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not proceeded further on account of the interim order passed by a Co-ordinate Bench of this Court.

8. In these circumstances, the existence of the incident itself is not in dispute. What is disputed is the manner in which the incident occurred, who initiated the assault, whether the petitioners were present, and the role played by each of them in causing the injuries suffered by respondent No.2.
9. These are essentially questions of fact which require appreciation of the evidence, particularly in view of the two rival complaints, the wound certificate and the specific allegations made against the petitioners. At this stage, it cannot be conclusively held that the petitioners were not present or that they had no role in the occurrence.
10. The fact that the petitioners dispute their presence or contend that the grievous injuries cannot be attributed to them is a matter which can be urged before the Trial Court. The Trial Court will be required to consider the evidence of the injured complainant and other witnesses along with the medical evidence and the defence emerging from the rival complaint.
11. Therefore, this is not a case where the allegations against the petitioners are inherently improbable or

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where the material collected during investigation does not disclose any offence. The material on record discloses a prima facie case requiring adjudication at trial.

12. Consequently, this Court is not persuaded to exercise its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 to quash the proceedings against the petitioners. The petitioners will have every opportunity to establish their defence before the Trial Court.
13. In that view of the matter, this Court passes the following:

ORDER.

- i) Criminal petition is ***dismissed***.
- ii) Liberty is reserved to the petitioners to raise all available defenses before the trial Court.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 20