

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1128 OF 2024

BETWEEN:

1. SOMARAJU
S/O LATE GUNGREGOWDA @ SIDDEGOWDA,
AGED ABOUT 60 YEARS,
R/AT HALLEGERE VILLAGE,
BASARALU HOBLI,
MANDYA TALUK AND DISTRICT, PIN-571 446
2. KRISHNEGOWDA
S/O LATE GUNGREGOWDA @ SIDDEGOWDA,
AGED ABOUT 60 YEARS,
R/AT HALLEGERE VILLAGE,
BASARALU HOBLI,
MANDYA TALUK AND DISTRICT, PIN-571 446
3. CHIKKATHAYAMMA
W/O KRISHNEGOWDA,
AGED ABOUT 44 YEARS,
R/AT HALLEGERE VILLAGE,
BASARALU HOBLI,
MANDYA TALUK AND DISTRICT, PIN-571 446
4. VISHALAKSHI C.L
W/O SOMARAJU,
AGED ABOUT 47 YEARS,
R/AT HALLEGERE VILLAGE,
BASARALU HOBLI,
MANDYA TALUK AND DISTRICT, PIN-571 446
5. SIDDARAJU
S/O LATE GUNGREGOWDA @ SIDDEGOWDA,
AGED ABOUT 60 YEARS,
R/AT HALLEGERE VILLAGE,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

BASARALU HOBLI,
MANDYA TALUK AND DISTRICT, PIN-571 446

...PETITIONERS

(BY SRI. PAVANA CHANDRA SHETTY H, ADVOCATE)

AND:

1. STATE OF KARNATAKA
KEREGODU POLICE STATION,
MANDYA DISTRICT,
REP BY HIGH COURT SPP,
BENGALURU-560 001
2. H.B THAMMANNA
S/O LATE BOREGOWDA
AGED ABOUT 53 YEARS,
R/AT HALLEGERE VILLAGE,
BASARALU HOBLI,
MANDYA TALUK AND DISTRICT

...RESPONDENTS

(BY SRI. MAHESH P, HCGP FOR R1,
SRI. SAMPATH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR IN CR.NO. 0107/2023 REGISTERED BY THE KERADODU POLICE STATION ON PENDING FILE OF THE COURT OF ADDL. CIVIL JUDGE (SR.DN.) AND CJM, MANDYA DISTRICT, MANDYA AGAINST THE PETITIONERS FOR THE OFFENCE P/U/S 447, 307, 323, 506, 107, 149 OF IPC, 1860 PRODUCED HERewith AS DOCUMENT NO.1.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 18.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This criminal petition is filed under Section 482 of Cr.P.C to quash the FIR against the petitioner/accused Nos.1 to 5 in

Crime No.107/2023 registered by Keragodu Police Station for the offences punishable under Sections 447, 307, 323, 506, 107 r/w section 149 of IPC, presently pending on the file of the Addl. Civil Judge (Sr.Dn) and CJM Court, Mandya (for short, 'the learned Magistrate').

2. The factual matrix of the case, as set out in the complaint, is that respondent No.2-complainant lodged a complaint against the petitioners alleging that, owing to a civil dispute between the petitioners and respondent No.2 in respect of the land bearing Sy.Nos.66/2 and 66/5, measuring 3½ acres, an incident occurred on 30.09.2023 at about 7.00 a.m. It is alleged that, while respondent No.2 and his brother, namely Siddaraju, were collecting coconuts from the said land, the petitioners, armed with sticks and pickaxes and carrying chilli powder, unlawfully trespassed into the property, threw chilli powder at the complainant and his brother, and assaulted them with a machete, thereby caused injuries to them and also foisted life threat to them.

3. Upon hearing the commotion, the adjacent property owners, namely Chandrashekara and Manjamma, intervened and rescued the complainant and his brother and thereafter

shifted them by ambulance to the Primary Health Centre, Mandya, for medical treatment. Subsequently, on the same day, between 9.00 p.m. and 9.45 p.m., respondent No.1–Police recorded the statement of complainant and registered a case against the petitioners for the offences stated supra.

4. Aggrieved by the registration of the case, the petitioners had earlier approached this Court in Crl.P.No.12945/2023. The said petition came to be dismissed as withdrawn, granting liberty to the petitioners to file a fresh petition challenging the charge sheet. The said order was passed in view of the submission made by the learned counsel appearing for respondent No.2 therein that the police had already filed the charge sheet. However, upon subsequent verification, it was found that the charge sheet had, in fact, not been filed. Consequently, the petitioners have preferred the present petition.

5. Heard learned counsel for the petitioners and the learned High Court Government Pleader for respondent-State.

6. Apart from urging several other contentions, the learned counsel for the petitioners primarily contended that,

even according to the averments made in the complaint, a civil dispute is pending between the petitioners and respondent No.2 in respect of the subject property. It is submitted that the property bearing Sy.No.66/2 stands in the name of the father of petitioner Nos.1 and 2 and, therefore, respondent No.2 and his family members had trespassed into the said property and assaulted the petitioners. In this regard, the petitioners lodged a complaint before respondent No.1–Police on the very same day, i.e., on 30.09.2023, which came to be registered in Crime No.108/2023 for the offences punishable under Sections 504, 324, 323 and 506 read with Section 34 of IPC against respondent No.2 and others. In the said case, respondent No.1–Police subsequently filed a 'B' Report. However, in the complaint lodged by respondent No.2 against the petitioners, respondent No.1–Police, without there being any supporting material, invoked Section 307 and other provisions of the IPC against the petitioners. It is further contended that, respondent No.2 with an intention to give a criminal colour to an essentially civil dispute and out of vengeance, has lodged a false complaint against the petitioners. It is also contended that the injuries sustained by respondent No.2 and his brother are simple in nature and, therefore, the invocation of the offence punishable

under Section 307 of the IPC is wholly unwarranted. Accordingly, he prays to allow the petition.

7. *Per contra*, learned counsel for respondent No.2-complainant contended that the investigation is still in progress and that the complaint averments, coupled with the material collected during investigation, *prima facie* disclose that respondent No.2 and his brother sustained injuries in the incident. Placing reliance on the photographs of the injured - respondent No.2, his blood-stained clothes, the seized weapon and blood-stained mud collected from the spot, he submitted that the said material corroborates the allegations made in the complaint. He further submitted that the wound certificates clearly disclose that respondent No.2 and his brother were immediately taken to the hospital and treated for the injuries sustained by them.

8. He further contended that the petitioners did not sustain any injuries and that the complaint lodged by petitioner No.1 in Crime No.108/2023 against respondent No.2 and others was subsequently lodged as a counterblast to the complaint in the present case. It is submitted that, after investigation in the said case, respondent No.1-Police filed a 'B' Report.

Accordingly, learned counsel contended that the materials collected during investigation warrants continuation of the proceedings against the petitioners and that no ground is made out for interference by this Court at this stage. Hence, he prays to dismiss the petition.

9. Learned HCGP for respondent No.1–state submitted that the investigation has been completed and the charge sheet has been prepared. However, in view of the interim order passed by this Court, the charge sheet has not been submitted before the Trial Court. He further submitted that the charge sheet materials discloses that respondent No.2 and his brother sustained injuries in the incident and that there are eyewitnesses to the incident. Therefore, according to him, the materials collected during investigation *prima facie* discloses the commission of the alleged offences and, at this stage, the FIR ought not to be quashed. Accordingly, he prays for dismissal of the petition.

10. I have given my anxious consideration on the submissions made by the learned counsel for the respective parties and the documents available on record.

11. As could be gathered from records, the incident dated 30.09.2023 is not in dispute between the petitioners and respondent No.2. Respondent No.2 initially lodged a complaint against the petitioners, which came to be registered in Crime No.107/2023 and is the subject matter of challenge in the present petition. Subsequently, petitioner No.1 also lodged a complaint against respondent No.2 and others, which came to be registered in Crime No.108/2023 for similar offences.

12. It is also not in dispute that, in the said incident, both parties sustained injuries and were admitted to the hospital and received treatment. The genesis of the incident, as projected in the complaint, is the subsisting civil dispute between the petitioners and respondent No.2 in respect of the subject property. In such circumstances, the questions as to who was the aggressor and whether either party acted in exercise of the right of private defence are matters which require appreciation of evidence and cannot be conclusively determined by this Court in exercise of jurisdiction under Section 482 of Cr.P.C. The same would necessarily require a full-fledged trial.

13. As regards the filing of the 'B' Report in the complaint lodged by petitioner No.1 against respondent No.2 and others, it is open for the petitioners to challenge the same in accordance with law. So far as the present petition is concerned, the materials on record disclose that respondent No.2 and his brother sustained injuries in the incident and that there are eyewitnesses to the incident. The said material is further supported by the wound certificates and photographs relied upon by the prosecution. Therefore, at this stage, it cannot be said that the allegations in the FIR are wholly devoid of materials so as to warrant exercise of the inherent jurisdiction of this Court for quashing the proceedings.

14. Further, learned HCGP has submitted that the investigation has been completed and the charge sheet has been prepared and is ready to be submitted before the Trial Court.

15. At this stage, this Court cannot anticipate the outcome of the investigation or record a finding on the allegation of false implication or mala fides merely on the basis of the defence raised by the petitioners. Therefore, the complaint cannot be thrown out at the threshold on the basis of

an unsubstantiated defence. In the case on hand, the complaint and the material collected thus far *prima facie* disclose the commission of a cognizable offence against the petitioners. Hence, at this stage, the FIR does not warrant interference by this Court. Accordingly, petition lacks merit and the same is ***dismissed.***

**SD/-
(RAJESH RAI K)
JUDGE**

PKS