



CNR: KAHC010081492026

NC: 2026:KHC:50986
CRL.P No. 1760 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 1760 OF 2026

BETWEEN:

SRI H OMKARAPPA
S/O LATE. HANUMAPPA,
AGED ABOUT 70 YEARS,
R/AT HOUSE NO.122, 6TH CROSS,
SARASWATHINAGAR,
VIJAYANAGAR-560 040.

...PETITIONER

(BY SRI LEELADHAR H P,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY GOVINDARAJANAGAR POLICE STATION,
BENGALURU CITY, REP. SPP
HIGH COURT BUILDINGS,
BENGALURU - 560001.

2. SMT.SHANTHAKUMARI.R,
W/O OMKARAPPA.H,
AGED ABOUT 66 YEARS,
R/AT HOUSE NO.122,
6TH CROSS, SARASWATHINAGAR,
VIJAYANAGAR, BENGALURU - 560040.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL. SPP FOR R1
SRI MUNIYAPPA, ADV. FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING
THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH

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RAMNATH HEGDE





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THE FIR IN CRIME NO.489/2025 REGISTERED BY THE GOVINDARAJANAGAR POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTION 115(2), 74, 85, 352, 351(2), 351(3) OF BNS, 2023 PENDING ON THE FILE OF THE XXIV ADDL. CHIEF JUDICIAL MAGISTRATE BENGALURU CITY BENGALURU UNDER ANNEXURE A.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner, learned High Court Government Pleader for respondent No.1 and the learned counsel appearing for respondent No.2.

2. This petition is filed to quash the proceedings in FIR in Crime No.489/2025 registered by Govindrajanagar Police Station, Bengaluru City for the offences punishable under Sections 115(2), 74, 85, 352, 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023, pending on the file of XXIV, Chief Judicial Magistrate, Bengaluru.

3. Learned counsel appearing for the petitioner would submit that the petitioner is aged 70 and is a retired Principal and he has acquired certain properties in his name as well as in the joint name of his wife and two properties are jointly in the

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name of petitioner and his wife and other properties are in his individual name. However, the petitioner is thrown out of his house by his wife and children. As a result, petitioner had filed a petition before the Assistant Commissioner for recovery of the property.

4. As a counter blast to the said step taken by the petitioner, a false complaint is lodged making false allegations against the petitioner. Thus, learned counsel would contend that there is no scope for registering FIR and no scope for proceeding further with the investigation.

5. Learned counsel for the petitioner would submit that the ratio laid down in the case of ***State of Haryana & ors. vs. Bhajan Lal & ors.***¹ would apply to the facts of the case. Thus, the learned counsel would contend that the petition has to be allowed and the proceeding has to be quashed.

6. Learned Additional State Public Prosecutor as well as the learned counsel appearing for respondent No.2 would oppose the petition on the ground that the contents of the

¹ ***AIR 1992 SC 604***



complaint disclose a cognizable offence and the alleged incident is captured in CCTV camera which was fixed at the residence of the complainant and the petitioner and the matter requires investigation.

7. The Court has considered the contentions raised at the Bar and perused the records.

8. Merely because the petitioner has initiated a proceeding for recovery of the property against the complainant and thereafter the complaint is filed by the complainant, one cannot jump to the conclusion that the complaint is a malicious prosecution.

9. In the complaint, the complainant has referred to certain alleged incidents which *prima facie* disclose the ingredients of the cognizable offence.

10. It is further stated in the complaint that, the alleged incident is captured in a CCTV camera.

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11. Whether the alleged footage from the CCTV camera constitutes an offence or not, is a matter which requires to be investigated by the Police.

12. The principle laid down in the case of ***Bhajan Lal*** (*supra*) does not apply to the facts of the present case.

13. Under these circumstances, the Criminal Petition is ***dismissed***.

14. The observations made in this order should not be construed as having reflected anything against the petitioner, on the merits of his defence. There shall be an objective investigation into the matter and an appropriate report shall be filed.

15. In view of the disposal of the main petition, pending application/s does not survive for consideration.

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(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 2 SI No.: 17