



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO.2273 OF 2019

BETWEEN:

SRI NARASIMHA @ SIMHA @ THIMMA
S/O LATE NAGAPPA,
AGED ABOUT 23 YEARS,
R/O NO. 68/11, NEAR YELLAMMA TEMPLE
KOTHANUR, J.P.NAGAR 8TH PHASE,
BANGALORE - 76.

...PETITIONER

(BY SRI VISWANATH SABARAD, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
THE INSPECTOR OF POLICE,
KONANAKUNTE POLICE STATION,
BANGALORE
BANGALORE DISTRICT-560 062
SPP, HIGH COURT OF KARNATAKA
BENGALURU-01.
2. SRI JAYANNA P.M.,
S/O LATE MAHANTHAPPA,
MAJOR,
ASSISTANT SUB-INSPECTOR OF POLICE,
KUMARASWAMY LAYOUT TRAFFIC
POLICE STATION,
BANGALORE - 560 078.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1; R2 - SERVED)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.17640/2018 ON THE FILE OF THE II A.C.M.M., BANGALORE REGISTERING OF FIR IN CR.NO.22/2017 BY THE RESPONDENT NO.1 DATED 18.01.2017 AND CONSEQUENT CHARGE SHEET DATED 02.04.2018 ORDER DATED 22.06.2018 TAKING COGNIZANCE BY THE II A.C.M.M., BANGALORE AGAINST THE PETITIONER HEREIN AND ALLOW THE ABOVE PETITION AS PRAYED FOR.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging entire proceedings in CC no.17640/2018 on file of II Additional Chief Metropolitan Magistrate, Bangalore and etc., this petition is filed.

2. Sri Viswanath Sabarad, learned counsel for petitioner submitted that petition is by accused no.1. It was submitted, on a complaint by Jayanna P.M., Assistant Sub-Inspector of Police, a Traffic Policeman (complainant), that on 13.01.2017 while he was managing traffic at RBI Layout at 5:00 p.m., in front of Prestige Group on Konanakunte - Soudhamini road, a rider of Honda Activa was riding it without



helmet. When complainant stopped him, rider shouted at complainant and abused him in foul language. At that time, a person who was at spot began video recording verbal exchange between complainant and rider, other persons who were with him abused complainant and instigated video recording for uploading on Facebook and WhatsApp to teach lesson to complainant.

3. It was alleged that person video recording incident asked rider to go away from spot, alarmed by incident, complainant failed to note vehicle number of offending Honda Activa or book a case against him on blackberry instrument. It was also alleged that rider of Honda Activa as well as person recording video and other persons with him had with intent of causing breach of peace, restrained complainant and abused him in foul language and caused apprehension of threat to his life and sought for taking action. Complaint was registered as Crime no.22/2017 by Konanakunte Police against unknown persons. It was submitted, though none of ingredients for offences were established and complaint was in fact filed after delay of 5 days without any basis and without proper



investigation, Police filed charge sheet arraigning petitioner as accused no.1 for offences punishable under Sections 341, 353, 504, 506 read with Section 34 of Indian Penal Code, 1860 ('**IPC**') challenging same, this petition is filed.

4. It was firstly submitted that there was absolutely no proper explanation for registration of complaint after 5 days, especially when complainant is himself a responsible Police Officer. It was secondly contended that entire complaint allegations were false and concocted as a counter blast to petitioner uploading video recording on social media. It was submitted, there was no instigation by petitioner to cause assembly of persons. It was submitted, Hon'ble Supreme Court in **Manik Taneja and Anr. v. State of Karnataka and Anr.**, reported in **2015 (7) SCC 423**, had held offence under Section 353 of IPC would not be established in absence of any allegation or material for indicating assault of public servant or use of criminal force with intent to deter public servant from discharging duty.

5. It was further submitted, even offence under Section 506 of IPC would not be established as necessary



ingredients for said offence namely criminal intimidation in absence of establishing that act of threat to person, reputation or property had resulted in that person doing any act of which he was not bound to do or omitting to do any act which he was entitled to do. It was further submitted, Hon'ble Supreme Court had held threat must be with intention to cause alarm to complainant to cause him to do or omit to do any work. It was submitted, contents of complaint would not substantiate any such ingredients therefore, offence under Section 506 of IPC would be untenable.

6. It was submitted, except a bare statement of complainant, there was no basis for wrongful restraint and alleged abusive words uttered by petitioner were not of such nature as to cause breach of peace and therefore, offence under Section 504 of IPC also would not be sustained. It was submitted, petitioner was in fact an employee of a private firm and had not committed any offence as alleged. On above grounds, sought for allowing petition.

7. On other hand, Smt.Sowmya R., learned HCGP for respondent no.1 - State opposed petition. It was submitted,



after due investigation and finding sufficient material to substantiate charges, Police had filed charge sheet. It was submitted, Police had recorded statements not only of complainant but also of traffic marshal as CW-2, driver of Goods Auto present at spot and eye-witness etc. It was submitted as per charge sheet, on 13.01.2017 at 5:00 p.m., when complainant was on duty near Prestige Group, Konanakunte - Soudhamini road, when complainant had weighed down two wheeler rider for not wearing helmet, petitioner and accused no.2 abused Police and urged public to assemble there to teach a lesson to Police. Thereafter, instigated them to take photographs and upload them on WhatsApp etc., with intent to cause alarm. When complainant enquired reason for recording video, complainant was also abused in foul language and prompted accused no.3 offending two wheeler rider to go away from spot. It was submitted, said allegations would substantiate ingredients for offences under Section 504 of IPC. It was submitted, verbal assault by petitioner had caused alarm to complainant and same had led to offending two wheeler rider escaping consequences of law. It was submitted, in light of same, ingredients for offence under



Sections 353 and 506 of IPC would be established. Therefore, sought for dismissal of petition.

8. Heard learned counsel and perused material on record.

9. This petition is by accused no.1 challenging complaint, charge sheet and proceedings in CC No.17640/2018 initiated against petitioner for offences punishable under Section 341, 353, 504, 506 read with Section 34 of IPC. Offences alleged against petitioner are wrongful restraint, assault, intentional insult and criminal intimidation. Essential ingredients for offence punishable under Section 341 of IPC would be wrongful restraint. Though complaint averments would contain a statement that petitioner/accused had restrained complainant, same does not form part of charge sheet. Therefore, there would be no basis for prosecution for offence under Section 341 of IPC.

10. For sustaining prosecution under Section 353 of IPC, incident of assault or criminal force to deter public servant from discharge of his duty requires to be established.



Admittedly, there is no allegation of assault and verbal assault would not constitute criminal force as defined. Therefore, offence under Section 353 of IPC would not sustain. Likewise, prosecution for offence punishable under Section 504 of IPC would sustain only where acts of insult are of such nature as to provoke breach of peace or commit any other offence. In instant case, neither words allegedly uttered by complainant would be of such nature nor of such gravity that they could have led to provocation of breach of peace or caused victim to commit any other offence.

11. Lastly, Hon'ble Supreme Court in **Manik Taneja's** case (supra) has held to sustain prosecution under Section 506 of IPC, threat must be with intention to call alarm to complainant to cause that person to do or omit to do any act. In instant case, victim is no less than a Police Sub-Inspector, who in line of his duty had allegedly stopped two wheeler rider for riding it without wearing helmet. It is alleged that due to act of accused video recording same, he was alarmed did not either note vehicle number or book offence on his blackberry instrument. This assertion, when considered in light of fact that



complaint was filed after 5 days, apparently after uploading video on social media, can be considered as nothing else than to harass petitioner or to wreck vengeance. Thus, continuation of proceedings against petitioner herein would amount to abuse of process.

12. Therefore, petition is ***allowed***, proceedings in CC no.17640/2018 on file of II Additional Chief Metropolitan Magistrate, Bangalore and etc. are ***quashed*** insofar as petitioner.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD
List No.: 1 Sl No.: 11