



CNR: KAHC010110922019

NC: 2026:KHC:54551
CRL.P No. 3561 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 3561 OF 2019

BETWEEN:

SMT. VASANTHA
WIFE OF SRI. NARAYANA
AGED ABOUT 44 YEARS,
NO. 08, 2ND MAIN, METRO LAYOUT
NAYANDAHALLI, MYSORE ROAD
BENGALURU - 560 056.

...PETITIONER

(BY SRI. SUYOG HERELE E, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ASSISTANT
COMMISSIONER OF POLICE,
KENGARI SUB-DIVISION,
BENGALURU CITY - 560 060.
2. THE STATION HOUSE OFFICER,
JNANABHARATHI POLICE STATION
KENGARI SUB DIVISION
BENALURU CITY - 560 056

BOTH RESPONDENTS 1 AND 2 ARE
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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3. SRI. PURUSHOTHAM H ,
S/O SRI. B. HANUMANTHAPPA
AGED ABOUT 44 YEARS
NO.20, 80 FEET ROAD
2ND CROSS, MALLATHAHALLI
BENGALURU - 560 056.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M, HCGP FOR R1 AND R2;
R3 - SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN SPL.C.C.NO.704/2018
INCLUDING THE COMPLAINT, FIR AND CHARGE SHEET IN
CR.NO.104/2017 REGISTERED AND INVESTIGATED BY THE
RESPONDENT NO.1 AND 2 FOR THE OFFENCES P/U/S 420,
504, 34 OF IPC ALONG WITH THE SEC.3(1)(R), 3(1)(S) OF
KARNATAKA SCHEDULED CASTES AND SCHEDULED TRIBES
(POA)ON THE FILE OF THE LXX ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE, SPECIAL JUDGE AT BENGALURU, WHICH
ARE PRODUCED HERewith AND MARKED AS DOCUMENT NO.1,
2, 3, 4 RESPECTIVELY.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH



ORAL ORDER

Heard learned counsel appearing for the petitioner and learned counsel appearing for respondent Nos.1 and 2.

2. This petition is filed praying this Court to quash the proceedings initiated against the petitioner, who is accused No.2.

3. The FIR in Crime No.104/2017 and after the investigation filed the charge sheet and the same is numbered as Special C.C.No.704/2018, wherein invoked the offences under Sections 420, 504, r/w Section 34 of IPC and also Sections 3(1) (R) and 3(1) (S) of the Karnataka Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Learned counsel appearing for the petitioner brought to notice of this Court the document No.2 and the same is the genesis for filing of complaint and counsel would contend that in the complaint, there is a reference with regard to handing over the Milk Agency belongs to the KMF in 2015 and also received monetary transaction between them in handing over the same and when the payment was not made on enquiry, an



allegation is made in the complaint that he used filthy language and taken the caste name and abused. But counsel would contend that according to the complainant, though such incident was taken place, but he has not mentioned the date, time and in which year this incident was taken place and remained silent and also reference is given with regard to the payment of advance amount and also the agreement and this complaint was lodged on 29.05.2017 at 16.15 p.m., and offences are also invoked.

5. The learned counsel brought to notice of this Court the charge sheet material wherein, date is mentioned that incident was taken place on 24.09.2015 prior to that, there was an understanding between the parties on 28.06.2015 regarding handing over the Agency, having received the amount and incident was taken place. But complaint was lodged after two years. After that invoking the offence of Special Enactment and hence, it is a clear case of abuse of process and no such incident was taken place.

6. Learned counsel also would contend that there was a monetary dispute between the parties and hence given criminal



colour invoking the Special Enactment and no such abuse or any cheating was made.

7. *Per contra*, learned counsel appearing for respondents would submit that though the time, date and year is not mentioned in the complaint but during the course of investigation, the same is mentioned and specific accusation is made in the complaint, using of filthy language as well as taking of the caste name.

8. In reply to this argument, learned counsel appearing for the petitioner would submit that when the complaint was lodged after two years also, there is no explanation with regard to the delay is concerned.

9. However, police have received the complaint in the year 2017 even though there was no mention about the date of incident in the complaint and investigated the matter and filed the charge sheet.

10. Having heard the learned counsel for the petitioner and also learned counsel appearing for the respondents and Court has to take note of very genesis of the complaint. It is



rightly pointed out by the learned counsel appearing for the petitioner in document No.2 complaint, it is very clear that there was a exchange of dealership and having received the advance amount and there was an agreement as stated in the complaint itself. No doubt in the complaint, the complainant has mentioned abusing with filthy language and taking of caste name but has not mentioned the date of incident, timings and the year. But there is an improvement while filing the charge sheet that this incident was taken place on 24.09.2015 and there was a delay of almost one and half years by filing this complaint and having perused the complaint, there is no explanation for delay in lodging the complaint for about one and half year.

11. When such being the case, invoking of Special Enactment in the year 2017, though alleged incident was taken place in the year 2015 i.e., one and half year prior to this incident, there is a chance of misusing of Special Enactment and if really that incident was taken place and abused in a filthy language, that too in a public view, no one would keep quiet for more than one and half year if he is really humiliated in the presence of the general public by taking his caste name and



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abusing the same. Hence, it is very clear that it is nothing but a misuse of power and special enactment and also an abuse of process, giving the criminal colour after one and half year of the alleged incident and there is a clear case of monetary dispute between the complainant and the accused persons in connection with Agency of KMF outlet and hence, it is a fit case to exercise the power under Section 482 of Cr.P.C. and hence, I pass the following:-

ORDER

- i. Petition is ***allowed***.
- ii. Proceedings in Spl.C.C.No.704/2018 pending before the Court of LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru is quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

VS
List No.: 1 Sl No.: 30