



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 2968 OF 2019

BETWEEN:

1. SRI M L GURAPPAGOWDA
S/O NINGEGOWDA,
AGED ABOUT 70 YEARS,
RETIRED TREASURY OFFICER,
RESIDING AT THIRD CROSS,
VIJAYANAGAR,
CHIKMAGALUR - 577 101.
2. SRI MADHUKAR
S/O M.P.CHANDREGOWDA,
AGED ABOUT 49 YEARS,
PROPRIETOR OF MEDICAL STORE,
THIRD CROSS, VIJAYANAGAR,
CHIKMAGALUR - 577 101.
3. SRI ASHOK KUMAR
S/O LATE SHANTHARAM,
AGED ABOUT 44 YEARS,
ASSISTANT IN ACC CEMENT COMPANY,
RESIDING AT 5TH CROSS,
VIJAYANAGAR,
CHIKMAGALUR - 577 101.

...PETITIONERS

(BY SRI P.P.JAYAKUMARA, ADVOCATE)

AND:

1. STATE BY HOSANAGAR POLICE
HOSANAGAR,

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



SHIVAMOGGA DISTRICT
REPRESENTED BY THE SPP
OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT BUILDINGS,
BANGALORE - 560 001.

2. SRI ESHWARAPPAGOWDA
S/O SRIKANTAPPAGOWDA,
R/A VARAKODU VILLAGE,
HOSANAGAR TALUK
SHIVAMOGGA - 577 418.

...RESPONDENTS

[BY SMT. SOWMYA R., HCGP FOR R1;
SRI Y.S.SHIVAPRASAD, ADVOCATE FOR R2 (AB)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN CR.NO.293/2015,
C.C.NO.576/2018 FOR THE OFFENCE P/U/S 504, 506 R/W 34
OF IPC, PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND
JMFC, AT HOSANAGAR.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging entire proceedings in Crime no.293/2015,
presently stated to be pending in CC no.576/2018 on file of
Principal Civic Judge and JMFC at Hosanagar, this petition is
filed.



HC-KAR

NC: 2026:KHC:33745
CRL.P No. 2968 of 2019

2. Sri PP Jayakumara, learned counsel appearing for petitioners submitted that petitioners were accused no.1 to 3 in complaint filed by respondent no.2 alleging that complainant was married with Asha, daughter of accused no.1. But since marriage, accused no.1 was harassing him through his daughter. Same had led to filing of a complaint by her against him, which in CC no.521/2006 came to be dismissed on 18.09.2006. Even thereafter accused was instigating complainant's wife against him. They had also threatened complainant with dire consequences by sending messages on 03.05.2015. On 01.06.2015 at 12.00 p.m., accused came in a white Maruti Swift car trespassed into house of complainant and while accused no.1 and 3 were abusing complainant, accused no.2 attempted to beat him with hands. They also threatened to take away life of complainant causing him to run away from home. Said complainant was registered by Hosanagar Police Station as Crime no.94/2015 for offences punishable under Sections 448, 504 and 506 read with Section 34 of IPC. However, after investigation, police filed B report. Complainant filed protest petition. On ground that complainant requires to be provided opportunity, trial Court rejected B



report and took cognizance of offences punishable under Sections 448, 504 and 506 read with Section 34 of IPC. Thereafter sworn statement was recorded and after recording of same, trial Court once again took cognizance of offences punishable under Sections 504 and 506 read with Section 34 of IPC. Aggrieved thereby this petition is filed.

3. It was submitted that accused were none other than father-in-law and brothers-in-law of complainant. It was basically counter blast to complaint filed by his wife against him. Therefore genesis was family dispute. It was submitted that complainant had filed a suit for permanent injunction which however came to be dismissed while his wife had filed petition under provisions of Protection of Women from Domestic Violence Act, 2005 (**DV Act**). Said matter ended in a compromise. Immediately after closure of said proceedings, this complaint was filed in order to wreck vengeance. Under above circumstances, continuation of proceedings against petitioners would be abuse of process of law and sought for quashing.



4. Learned HCGP on other hand opposed petition. It was submitted though an earlier complaint filed by complainant's wife against him had ended in acquittal, there were specific allegations of offences committed by petitioners. Even if there were settlement of other disputes, same cannot by itself taken to be a settlement of all disputes between parties. Therefore, quashing of proceedings on sole ground of compromise in ancillary proceedings would not be justified. On above grounds sought for dismissal.

5. Heard learned counsel and perused material on record.

6. This petition is by accused no.1 to 3 in complaint filed by respondent no.2, complainant alleging commission of offences punishable under Sections 448, 504 and 506 read with Section 34 of IPC. In a petition filed challenging registration of FIR, scope of examination by this Court under Section 482 of CrPC would be limited to verifying whether any of ingredients of offences are disclosed in complaint. Normally truth or veracity of allegations would be beyond examination at this stage.



Indeed history of litigation would be one of factors that could be taken into account, filing of complaint by complainant's wife, it ending in order of acquittal, settlement of dispute under provisions of DV Act and relationship between parties would not by themselves be sufficient to establish or substantiate that impugned proceedings were result of abuse of process. Perusal of complaint indicates that complainant has with sufficient particulars stated that accused trespassed into his house, abused complainant and threatened to harm his life in case he did not divorce his wife. Complainant has also specifically stated that complaint filed by his wife itself was due to instigation by accused and even after closure of said proceedings, accused had continued to instigate her. In light of allegations, FIR is registered for offences punishable under Sections 448, 504 and 506 read with Section 34 of IPC. Necessary ingredients for offences having been indicated in complaint. Their veracity would be matter for investigation and elucidation in trial. Filing of complaint as a counter blast would be a defence that could be examined later.



7. Hence, reserving liberty to petitioner to urge all contentions at appropriate stage, petition is **dismissed** as devoid of merits.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 25