



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.1853 OF 2020

BETWEEN:

SRI CHENNIGARAYA N G.,
AGED ABOUT 58 YEARS,
S/O GENDAPPA,
PRESENTLY WORKING AS
DISTRICT MANAGER
KARNATAKA MINORITY DEVELOPMENT
CORPORATION LTD.,
CHAMUNDESHWARI NAGARA,
MANDYA DISTRICT - 571 401.

...PETITIONER

(BY SRI P.P.HEGDE, SR. ADVOCATE FOR
SRI VENKATESH SOMAREDDI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE INSPECTOR OF POLICE
VIDHANA SOUDHA POLICE STATION,
VIDHANA SOUDHA
BENGALURU CITY - 560 001
REP BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU - 575 001.
2. MR. ISLAUDDIN J GADYAL,
AGED ABOUT 37 YEARS,
FATHER'S NAME NOT KNOWN
FORMER MANAGING DIRECTOR,
KARNATAKA MINORITY DEVELOPMENT

Digitally
signed by
ANUSHA V
Location: High
Court of
Karnataka



CORPORATION LTD.,
BENGALURU CITY- 560 001.

(PRESENTLY WORKING AS
CHIEF EXECUTIVE OFFICER IN
WAKF BOARD, VASANTH NAGAR,
INFANTRY ROAD, BENGALURU - 560 001.)

...RESPONDENTS

(BY SMT. SOUMYA R., HCGP FOR R1;
R2 - SERVICE OF NOTICE HELD SUFFICIENT VIDE
ORDER DATED 23.11.2021)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE PROCEEDINGS IN C.C.NO.25805/2019 PENDING
ON THE FILE OF VIII ADDL.C.M.M., BENGALURU (ARISING OUT
OF CR.NO.14/2018 OF VIDHANA SOUDHA POLICE STATION,
BENGALURU CITY) FOR THE OFFENCE P/U/S 353,504,506 OF
IPC AND ALL FURTHER PROCEEDINGS IN THE SAID CASE.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging proceedings in CC no.25805/2019 pending
before VIII Addl. Chief Metropolitan Magistrate, Bengaluru, for
offences punishable under Sections 353, 504, 506 of Indian
Penal Code, 1860 (**IPC**), this petition is filed.



2. Sri PP Hegde, learned Senior Counsel appearing for Venkatesh Somareddi, advocate for petitioner submitted petitioner (accused) was working as District Manager in Karnataka Minority Development Corporation Ltd., Mandya. Based on written complaint lodged at about 5:45 p.m., on 27.02.2018 by respondent no.2 (complainant) Crime no.14/2018 was registered by Vidhana Soudha Police Station, Bengaluru for offences punishable under Sections 353, 504 and 506 of IPC. In complaint it was alleged that around 12:00 p.m., accused barged in chambers of complainant and in raised voice demanded cancellation of his transfer order else complainant would face consequences and left premises before arrival of Police.

3. It was submitted, accused came to know about complaint from notice issued by police after conducting spot mahazar. In statement recorded, he denied complaint allegations in *toto* and stated that he was District Manager in Karnataka Minority Development Corporation Ltd., Mandya and completed 33 years of service. After receiving order of transfer dated 29.01.2018 from Mandya to Raichur, he went to



complainant to discuss about it. He was upset when complainant disrespectfully asked him to get out of his chamber in loud voice, he expressed displeasure at such conduct, without any threat or obstruction to performance of duty as alleged.

4. It was submitted, complainant being superior officer misused his official position, exerted influence over police and got false case registered against accused. Even though any material, police had filed charge sheet in CC no.25805/2019 before VIII Addl. Chief Metropolitan Magistrate, Bengaluru. Aggrieved, petitioner sought quashing of said proceedings.

5. At outset, it was submitted, even if entire allegations in complaint and charge sheet were taken on face value, they would not disclose commission of any offence. It was submitted essential ingredients of offences punishable under Sections 353, 504 and 506 of IPC were conspicuously absent. It was submitted, there was no allegation of use of *criminal force* or *assault* against complainant to attract Section 353 of IPC. Likewise, there was absence of allegation of *intent*



to provoke breach of peace to attract Section 504 of IPC and of *criminal intimidation* to attract Section 506 of IPC.

6. Thus, in absence of any cognizable offence being disclosed, police had no jurisdiction to register FIR. Further, offence under Sections 504 and 506 of IPC being non-cognizable mandated compliance with procedure under Section 155 (2) of Code of Criminal Procedure, 1973 (**CrPC**). And alleging non-compliance herein was fatal.

7. It was submitted allegations at best disclosed a trivial incident arising out of transfer and no offence committed and that complainant had misused his position to initiate criminal proceedings and tainted 33 years of unblemished service of accused.

8. In support of his submissions, learned Senior Counsel relied on following decisions:

- a. **Vikram Johar v. State of Uttar Pradesh & Anr.**, reported in **(2019) 14 SCC 207**, wherein Hon'ble Supreme Court held intention behind what accused stated would fall within meaning of *criminal intimidation* i.e. threat must be with intention to cause



alarm to complainant and utterance of any words without intention to cause alarm would not be sufficient to rope in Sections 504 and 506 of IPC.

- b. **BV Ram Kumar v. State of Telangana and Anr.**, reported in **(2025) 3 SCC 475**, wherein it was held that abuse, discourtesy, rudeness or insolence would not be intentional insult within its meaning under Section 504 of IPC. And that effect of utterance on victim was immaterial.
- c. **TG Ravi v. State of Karnataka**, [NC:2026:KHC:2189] wherein this Court held use of *assault or criminal force* against public servant was basis for offence under Section 353 of IPC and there was total absence of material about same, rendering charges invalid.
- d. Decision in **Sunil Bharti Mittal v. Central Bureau of Investigation**, reported in **(2015) 4 SCC 609** was relied to highlight need explicit reasons by Magistrate for issuing summons under Section 204 of CrPC and not to mechanically issue process. It was held order of summons would be invalid if it



lacks reasons and cautioning against dragging citizens into court without *prima facie* case.

9. In view of above, continuation of proceedings amounted to abuse of process of law and quashing of proceedings was necessary to secure ends of justice. On above grounds learned Senior Counsel prayed to allow petition.

10. On other hand, Smt.Soumya R., learned HCGP for respondent no.1 - State opposed petition. It was submitted scope of challenge under Section 482 of CrPC did not extend into examining whether there was *prima facie* material to proceed against accused. Said power could be invoked only to *give effect to any provision of law or order, to prevent abuse of process of Court or secure ends of justice*. It was submitted, complaint revealed sufficient basis for initiation of proceedings. And after recording statements of several witnesses including complainant and finding *prima facie* material for triable case, charge sheet was filed. Moreover, accused has not disputed entering chambers of complainant and express dissatisfaction against order of transfer. It was submitted, truthfulness of allegations or otherwise could only be after trial. It was



submitted one of offences alleged was under Section 353 of IPC, which was cognizable. Consequently, there were neither sufficient nor justifiable grounds for entertaining above petition and sought its dismissal.

11. Heard both side submissions and perused material on record.

12. In this petition under Section 482 of CrPC, accused is challenging initiation of proceedings against him for offences punishable under Sections 353, 504 and 506 of IPC on three grounds.

13. Insofar as contention about non-compliance with mandatory procedure stipulated in Section 155 (2) of CrPC being fatal to prosecution as offences under Sections 504 and 506 of IPC were non-cognizable, it is seen accused is also arraigned for offence under Section 353 of IPC, which is cognizable. Said contention however becomes significant in context of next contention namely about complaint not disclosing essential ingredients for offences alleged.



14. Section 353 of IPC reads as follows:

"353. Assault or criminal force to deter public servant from discharge of his duty.—Whoever ***assaults*** or ***uses criminal force*** to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person to the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

(emphasis supplied)

15. Bare reading of above reveals that in absence of allegation of ***assault*** or ***criminal force***, said provision cannot be invoked. They are defined as follows:

"350. Criminal force.—Whoever ***intentionally uses force*** to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.



351. Assault.—*Whoever makes any gesture, or any preparation* intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault. Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault."

(emphasis supplied)

16. Indisputably, there is no allegation of accused gesturing or making any preparation so as to cause apprehension of assault. Further '**Force**' is defined as follows:

"349. Force.—A person is said to use force to another if he ***causes motion, change of motion, or cessation of motion*** to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing



the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly.—By inducing any animal to move, to change its motion, or to cease to move."

(emphasis supplied)

17. Indisputably, there is no allegation in complaint of use of any (*physical*) force on complainant. Consequently, it has to be held that essential requirements to constitute offence under Section 353 of IPC, which is sole cognizable offence are found to be fatally missing. Other offences being non-cognizable, would require compliance with Section 155 (2) of CrPC.

18. In any case, Sections 504 and 506 of IPC read:

"504. Intentional insult with intent to provoke breach of the peace.—Whoever



intentionally insults, and thereby gives provocation to any person, *intending or knowing it to be likely that such provocation will cause him to break the public peace*, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

506. Punishment for criminal intimidation.—

Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

(emphasis supplied)

19. Offence under Section 504 of IPC requires *intentional insult with intent to provoke breach of peace* which is glaringly missing in complaint. Likewise, offence under Section 506 of IPC arises only in case of ***criminal intimidation*** defined in Section 503 of IPC as follows:

"503. Criminal intimidation.—Whoever ***threatens another with any injury to his person, reputation or property***, or to the person or reputation of any one in whom that person is interested, ***with intent to cause alarm to that person***, or



to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section."

(emphasis supplied)

20. Admittedly, there is no allegation of threat of injury to person, reputation or property. Allegation is rather vague. Consequently, in light of ratio laid down in **Vikram Johar, BV Ram Kumar** and **TG Ravi's** cases (supra) allegation of offences under Sections 504 and 506 of IPC would not sustain.

21. Lastly, order of learned Magistrate taking cognizance of offences on 23.10.2019 reads as follows:

"Perused the charge sheet. Cognizance taken for the offences punishable under Section 353.504.506 IPC against the accused...."



22. Same would indicate expression of satisfaction about existence of *prima facie* case against accused as held by Hon'ble Supreme Court in **Sunil Bharti Mittal's** case (supra). Thus, continuation of proceedings would amount abuse of process of law.

23. Consequently, petition ***succeeds***, impugned proceedings in CC no.25805/2019 pending before VIII Add. Chief Metropolitan Magistrate, Bengaluru, for offences punishable under Sections 353, 504, 506 of IPC are ***quashed***.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 SI No.: 42