



CNR: KAHC010145742025

NC: 2026:KHC:51017
CRL.P No. 2975 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 2975 OF 2025 (482(Cr.PC)

/ 528(BNSS)-)

BETWEEN:

1. SRI RAMESH T
S/O THIMMARAYAPPA
AGED 50 YEARS
R/AT HALESAMPIGEHALLI VILLAGE
BANNRGHATTA HOBLI
ANEKAL TALUK
BENGALURU RRURAL 560083
2. SRI NAGARAJ S
S/O LATE SURESH
AGED 37 YEARS
PRESENT R/AT DAANAHALLI VILLAGE
NARASAPURA HOBLI
KOLAR 563133

PERMANENT R/AT
BARAGURU VILLAGE
LAKKUR HOBLI
MALUR TALUK
KOLAR 563160
3. SRI HARISH
S/O DODDA VENKATESHAPPA
AGED 37 YEARS
R/AT DAANAHALLI VILLAGE
NARASAPURA HOBLI
KOLAR 563133.

...PETITIONERS

(BY SRI. TEJAS N., ADVOCATE)

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AND:

1. STATE OF KARNATAKA
BY VEMAGAL POLICE STATION
KOLAR 563102.
REP BY THE LEARNED
STATE PUBLIC PROSECUTOR
HCK BANGALORE 01
2. SMT AMRUTHA A V
D/O LATE VENKATAESHAPPA
AGED 23 YEARS
R/AT ANUPAHALLI VILALGE
SULIBELE HOBLI
HOSAKOTE TALUK
BENGALURU RURAL 562129

...RESPONDENTS

(BY SRI. RANJITH KUMAR., HCGP)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS PENDING IN CC.NO.2005/2024 ON THE FILE OF HONBLE PRINCIPAL CIVIL JUDGE AND JMFC, KOLAR, FOR THE OFFENCES P/U/S 447,504,506 R/W 34 OF IPC, ARISING OUT OF CR.NO.108/2024 OF VEMAGAL P.S., KOLAR AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

a) Quash the proceedings pending in C.C.No.2005/2024 on the file of Hon'ble Principal Civil Judge & JMFC Kolar for the offences under

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sections 447, 504 and 506 read with 34 of IPC which is arising out of Crime No.108/2024 of Vemagal Police Station, Kolar;

b) Consequently grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the ends of justice.

2. Respondent No.2 lodged a complaint on 19.05.2024 with respondent No.1 alleging that, on 18.05.2024 at about 11.00 a.m., the petitioners had criminally trespassed into the property belonging to respondent No.2 and had abused and threatened the respondents. On the basis of the said complaint, FIR in Crime No.108/2024 came to be registered by Vemgal Police Station. Upon completion of investigation, charge-sheet has been filed on 19.06.2024. It is challenging the said proceedings that the petitioners are before this Court.
3. Though notice has been served on respondent No.2, she has not entered appearance.
4. Learned counsel for the petitioners submits that the petitioners had purchased the property under a registered sale deed dated 05.08.2006. It is contended that, on account of interference by respondent No.2 and her family members with the

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petitioners' possession, the petitioners instituted O.S.No.305/2022 on 15.06.2022 seeking an injunction.

5. In the said suit, an order of injunction came to be passed on 12.07.2023 restraining respondent No.2 and her family members from interfering with the possession of the petitioners. The said order was challenged by respondent No.2 in M.A.No.31/2023, which came to be dismissed on 06.12.2023. Thereafter, respondent No.2 approached this Court in W.P.No.1285/2024, which also came to be dismissed on 25.01.2025. The suit in O.S.No.305/2022 has subsequently been decreed on 07.07.2025.
6. Learned counsel for the petitioners submits that, despite the above proceedings and the order of injunction operating in favour of the petitioners, respondent No.2 lodged the complaint giving a criminal colour to what is essentially a dispute concerning possession and rights over the property. It is contended that the criminal proceedings were initiated after the civil proceedings had already commenced and orders had been passed in favour of the petitioners.

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7. A perusal of the complaint discloses that the allegation is that, on 18.05.2024, the petitioners entered the property, abused respondent No.2 and her family members and threatened them with consequences if they asserted any right over the property. Apart from these allegations, the complaint does not disclose any further material particulars regarding the alleged acts of criminal trespass or the alleged threats.
8. The charge-sheet and the statements of the witnesses also require consideration. The witnesses cited by the prosecution are stated to be family members of respondent No.2 and their statements substantially reiterate the allegations contained in the complaint, namely, that the petitioners entered the property, abused respondent No.2 and her family members and threatened them.
9. Significantly, the witness statements themselves refer to the pendency of M.A.No.31/2023 concerning the very same property and the dispute between the parties. Thus, the investigating agency was aware that the parties were already litigating before the competent civil Court in relation to their respective claims over the property and possession thereof.

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10. The existence of a civil dispute, by itself, would not prevent the commission of a criminal offence and would not constitute a ground to quash criminal proceedings if the complaint and the material collected during investigation otherwise disclose the ingredients of a cognizable offence. The Court must, therefore, examine whether the criminal proceedings in the present case disclose anything beyond the existing dispute regarding possession of the property.
11. In the present case, the material placed before the Court does not disclose any independent material apart from the statements which substantially reiterate the allegations made in the complaint. There is also no material placed before this Court to demonstrate how the ingredients of the offences alleged are made out, particularly when the dispute regarding possession was already the subject matter of judicial proceedings and an order of injunction had been passed in favour of the petitioners.
12. More importantly, the complaint was lodged on 19.05.2024, while the dispute between the parties had been the subject matter of proceedings since 2022. The injunction granted in favour of the



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petitioners on 12.07.2023 had been challenged by respondent No.2 in M.A.No.31/2023 and the said challenge had been dismissed on 06.12.2023. The investigating agency was also aware of the pendency of those proceedings.

13. In these circumstances, the investigating agency was required to examine the allegations in the complaint in the background of the admitted and undisputed fact that the parties were already before the civil Court in respect of the same property and that an order protecting the possession of the petitioners was operating. Instead, the charge-sheet appears to have been filed substantially on the basis of the allegations made by the complainant and her family members, without any independent material being brought on record to support the alleged criminal acts.
14. The subsequent decree dated 07.07.2025 in O.S.No.305/2022 is also a relevant subsequent development, though the legality of the criminal proceedings has to primarily be examined with reference to the material existing at the relevant stage. The said decree nevertheless lends further

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context to the nature of the underlying dispute between the parties.

15. On an overall consideration of the complaint, the charge-sheet material, the statements of the witnesses and the history of the civil proceedings between the parties, this Court is of the considered opinion that the criminal proceedings have arisen out of the continuing dispute concerning the property and possession thereof. The material placed on record does not disclose sufficient independent material to justify continuation of the criminal proceedings against the petitioners.
16. The proceedings therefore appear to be an attempt to give a criminal colour to a dispute which was already the subject matter of civil adjudication between the parties. Permitting the criminal proceedings to continue in the circumstances of the present case would amount to permitting the criminal process to be used for purposes arising out of the existing civil dispute.
17. Accordingly, the proceedings in Crime No.108/2024 of Vemgal Police Station, culminating in the charge-sheet dated 19.06.2024, insofar as the petitioners are concerned, are liable to be quashed.

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18. It is made clear that this Court has considered the criminal proceedings only in the context of the material placed before it and the circumstances referred to above. The parties shall abide by the decree passed in O.S.No.305/2022 and any further orders passed by the competent Court in relation to the property.
19. In that view of the matter, this Court passes the following:

ORDER

- i) Criminal Petition is ***allowed***.
- ii) C.C.No.2005/2024 pending on the file of Principal Civil Judge & J.M.F.C., Kolar for the offences under Sections 447, 504 and 506 r/w 34 of IPC arising out of Crime No.108/2024 registered by Vemagal Police Station is hereby quashed.

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(SURAJ GOVINDARAJ)
JUDGE