



CNR: KAHC010178822024

NC: 2026:KHC:53448
CRL.P No. 2972 of 2024
C/W CRL.P No. 2194 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 2972 OF 2024

C/W

CRIMINAL PETITION NO. 2194 OF 2024

IN CRL.P No. 2972/2024

BETWEEN:

1. SRI NINGANNA
S/O KUNNEGOWDA
AGED ABOUT 72 YEARS
2. SMT CHIKKAMMA
W/O SRI NINGANNA
AGED ABOUT 68 YEARS
3. SRI SURESHA N
S/O SRI NINGANNA
AGED ABOUT 33 YEARS
4. SRI M MANJU
S/O SRI NINGAPPA
AGED ABOUT 35 YEARS

ALL ARE RESIDING AT
KALLEREPURA VILLAGE
KIRUGAVALU HOBLI
DUGGANAHALLI POST
MALAVALLI TALUK
MANDYA DISTRICT-571 430

...PETITIONERS

(BY SRI. SOMASHEKARA K.M, ADVOCATE)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. STATE OF KARNATAKA BY
MALAVALLI RURAL POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560001
2. SIDDARAJU
S/O DAADEGOWDA
AGED ABOUT 49 YEARS
R/A KALLAREPURA VILLAGE
KIRUGAVALU HOBLI
MALAVALLI TALUK
MANDYA DISTRICT-571430

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. KEMPARAJU, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASHING THE FIR VIDE CR.NO.26/2024 REGISTERED BY THE
1ST RESPONDENT MALAVALLI RURAL P.S FOR THE OFFNECE
P/U/S 143,341,323,504,506 R/W 149 OF IPC ON THE FILE OF
THE ADDL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT,
MALAVALLI, MANDYA DISTRICT AS FAR AS THE PETITIONERS /
ACCUSED NO.4 TO 7 ARE CONCERNED.

IN CRL.P NO. 2194/2024

BETWEEN:

1. SRI. K.M NANJUNDAIAH
SON OF LATE SRI MADIAH,
AGED ABOUT 57 YEARS,
2. SMT ANNAPOORNAMMA C
ALIAS ANNAPOORNESHWARI
WIFE OF SRI KM NANJUNDAIAH
AGED ABOUT 48 YEARS,



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3. SRI BEERESH K.N
SON OF SRI. K.M NANJUNDAIAH
AGED ABOUT 23 YEARS,

ALL ARE RESIDING AT,
KALLEREPURA VILLAGE,
KIRUGAVALU HOBLI,
DUGGANAHALLI POST,
MALAVALLI TALUK,
MANDYA DISTRICT - 571 430

...PETITIONERS

(BY SRI. SOMASHEKARA K.M, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
MALAVALLI RURAL POLICE STATION,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. SIDDARAJU
SON OF DAADEGOWDA,
AGED ABOUT 49 YEARS,
R/AT KALLAREPURA VILLAGE,
KIRUGAVALU HOBLI,
MALAVALLI TALUK
MANDAY DISTRICT - 571 430.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. KEMPARAJU, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE OF FIR VIDE CR.NO.26/2024 REGISTERED BY
THE IST RESPONDENT MALAVALLI RURAL POLICE STATION
FOR THE OFFENCE P/US/.143,341,323,504,506 R/W
SEC.149 OF IPC ON THE FILE OF THE ADDITIONAL CIVIL
JUDGE (Jr.Dn.) AND JMFC COURT, MALAVALALI, MANDYA
DISTRICT, AGAINST THE PETITIONER/ACCUSED NO.1 TO 3
ARE CONCERNED.



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

These petitions are filed to quash the proceedings against the petitioners/accused Nos.1 to 7 in Crime No.26/2024 registered by Malavalli Rural Police, for the offences punishable under Sections 143, 341, 323, 504 and 506 read with Section 149 of IPC, pending on the file of Addl. Civil Judge and JMFC, Malavalli, Mandya.

2. The brief facts of the case are, respondent No.2 - complainant lodged a complaint before respondent No.1-Police on 03.02.2024, alleging that he is the owner of junjar No.23, property Nos.35 and 93 of Kallarepura Village, Banduru Grama Panchayat and there was scrap heap in the said site. On 01.02.2024 at about 12:30 p.m., while respondent No.2 lifting the compost from the said land, the petitioners/accused Nos.1 to 7 trespassed the said property unlawfully and picked up quarrel with respondent No.2. Thereafter, they obstructed him to remove the composite and also threatened him with dire consequences by using filthy language so also assaulted him by



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their hands. Subsequently, one Nagesh and Madaiah, being the neighbours, pacified the quarrel. Based on the said complaint, respondent No.1-Police registered FIR against the petitioners in Crime No.26/2024 for the aforementioned offences by arraying the petitioners as accused Nos.1 to 7. Aggrieved by the same, the petitioners/accused Nos.1 to 3 preferred Crl.P.No.2194/2024 and petitioners/accused Nos.4 to 7 preferred Crl.P.No.2972/2024 to quash the FIR registered against them.

3. Heard learned counsel for the respective parties.

4. Apart from urging several contentions, learned counsel for the petitioners primarily contended that respondent No.2 lodged a false complaint as a counter blast to the complaint and the FIR registered against him and others in Crime No.25/2024 dated 03.02.2024 for the offences punishable under Sections 341, 504, 379, 447, 323 read with Section 34 of IPC by respondent No.1-Police in respect of incident dated 01.02.2024 based on the complaint lodged by accused No.5. According to him, junjar No.23, property Nos.35 and 93 of Kallarepura Village, Banduru Grama Panchayat are



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the ancestral properties of the petitioners and they are in possession of the same. However, respondent No.2 and his family members trespassed the said property and assaulted the petitioners. As such, accused No.5 lodged the complaint against respondent No.2 and his family members as stated supra. He also contented that a suit has been filed by respondent No.2 in O.S.No.195/2022 for permanent injunction against the petitioners and in order to give a criminal colour to the civil dispute, the present complaint has been filed by respondent No.2. He further contended that on perusal of the complaint averments, the ingredients of Section 341 or other offences do not attract against the petitioners. With these submissions, he prays to allow the appeal. In order to buttress his arguments, he relied on the following judgments:

- i. Sri Gulam Mustafa vs. The State of Karnataka and Another - 2023 LiveLaw (SC) 421
- ii. Crl.P.No.2789/2023 dated 04.12.2023 (High Court of Karnataka)

5. *Per contra*, learned counsel for respondent No.2 opposed the prayer of the petitioners and contended that, as



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per the incident dated 01.02.2024 is concerned, petitioner No.2 - Chikkamma in Crl.P.No.2972/2024 lodged a complaint against respondent No.2 and his family members in Crime No.25/2024. As such, the petitioners also not disputed the incident dated 01.02.2024. Further, there was an ill-will between petitioners and respondent No.2's two families and as such, the incident caused. He also contended that, in the complaint filed by petitioner No.2 - Chikkamma, respondent No.1-Police filed charge sheet against respondent No.2 and his family members. In the present case, since the petitioners have approached this Court in the crime stage and an interim order of stay has been granted by this Court, respondent No.1-Police were unable to complete the investigation. In such circumstances, he submits that if a case and counter case is pending between the parties, proceedings against them cannot be quashed. Accordingly, he prays to dismiss the petition.

6. Learned HCGP by opposing the prayer of the petitioners contended that, as the investigation is in nascent stage, at this stage, FIR cannot be quashed against the petitioners. Accordingly, he prays to dismiss the petition.



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7. I have given my anxious consideration to the submissions and the documents made available before this Court.

8. As could be gathered from the complaint and materials placed before this Court, admittedly, in respect of the incident dated 01.02.2024, accused No.5 - Chikkamma and respondent No.2 lodged two different complaints i.e., complaint lodged by Chikkamma was registered in Crime No.25/2024 against respondent No.2 and his family members and complaint lodged by respondent No.2 was registered in Crime No.26/2024 against the petitioners in respect of the same incident on 03.02.2024. In the complaint lodged by accused No.5, she has stated that on 01.02.2024 at about 11:15 a.m., the incident was caused while respondent No.2 and another were lifting the compost in JCB. Whereas, similar allegations are forthcoming in the complaint lodged by respondent No.2 in the present case i.e., Crime No.26/2024. As rightly contented by learned counsel for respondent No.2, incident has been admitted by both petitioners as well as respondent No.2. In such circumstances, the point for consideration by this Court is that, who are the



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aggressors. This being a 482 petition, it is settled position of law that this Court cannot conduct a mini trial while disposing the 482 petition and the said aspect of the matter has to be decided by the Trial Court in a full-fledged trial. The statement of witnesses and the complaint averments has to be tested in a detailed trial before the Trial Court. No doubt, there is a civil case pending between the parties, however that itself is not a ground to discard the complaint, that too, at this stage, as the Police have yet to investigate the case. Nevertheless, in the complaint lodged by accused No.5, respondent No.1-Police have already filed charge sheet against respondent No.2 and his family members.

9. Admittedly, the matter is at a nascent stage, and the investigation has not progressed beyond the preliminary steps taken immediately after registration of the case. The relevant evidence is yet to be collected upon a thorough investigation and placed before the Court. At this stage, this Court cannot anticipate the outcome of the investigation or record a finding on the allegation of false implication or malafides merely on the basis of the defence raised by the



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petitioners. Therefore, the complaint cannot be thrown out at the threshold on the basis of an unsubstantiated defence. In the case on hand, the complaint and the material collected thus far *prima facie* disclose the commission of a cognizable offences against the petitioners. Hence, in my considered view, at this stage, the FIR does not warrant interference. Accordingly, the petitions lack merit and same are ***dismissed***.

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 6