



CNR: KAHC010191982019

NC: 2026:KHC:48684
CRL.P No. 4967 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.4967 OF 2019

BETWEEN:

1. SRI LAKSHMANA GOWDA M.,
S/O. SRI. MUNISWAMAPPA,
AGED ABOUT 43 YEARS,
R/AT NO.148/8, BENADINGALU,
3RD 'A' CROSS, RAMAKRISHNA ROAD,
M V EXTENSION, HOSKOTE TOWN,
BENGALURU RURAL DISTRICT-562114.

...PETITIONER

(BY SRI. SRIHARI A.V., ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
BY KORAMANGALA POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX, AMBEDKAR VEEDHI,
BENGALURU-560001.
2. SHARATH KUMAR C.P.,
S/O. SRI. PREM KUMAR,
AGED ABOUT 49 YEARS,
R/AT GROUND FLOOR,
NO.593, 5TH CROSS 16TH 'A' MAIN,
KORAMANGALA, 4TH BLOCK,
BENGALURU-560034.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. V. PRABHAKAR, ADVOCATE FOR R2 - ABSENT)



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET AND PROCEEDINGS IN SPL.C.NO.827/2018 ON THE FILE OF THE LXX ADDITIONAL CITY CIVIL COURT AND SESSIONS COURT AND SPECIAL JUDGE AT BENGALURU (CCH-71) FOR THE OFFENCES PUNISHABLE UNDER SECTION 4(1)(s), 4(1)(r), 4(1)(w)(2) OF THE SC/ST (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015 VIDE ANNEXURES-A AND B.

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

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

ORAL ORDER

Heard the learned counsel for the petitioner and the learned Additional SPP appearing for respondent No.1/State. Though respondent No.2/complainant is represented through counsel, the learned counsel for respondent No.2 is absent.

2. The prayer sought in the petition is to quash the proceedings initiated against the petitioner in Special Case No.827/2018, on the file of LXX Additional City Civil Court and Sessions Court and Special Judge at Bengaluru (CCH-71), for the offences punishable under Sections 4(1)(s), 4(1)(r) and 4(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 ('SC/ST Act' for short) and pass such other orders.



3. The learned counsel for the petitioner would submit that this petitioner had purchased the property from the father and sisters of the complainant/respondent No.2 on 21.03.2016. The complainant has filed a suit in O.S.No.25607/2017 on 12.06.2017, praying the Court to declare the sale deed as null and void as well as gift deed executed in favour of the husband and daughter by the original owner and the said suit is pending. The learned counsel would also submit that having purchased the property, the petitioner also filed a suit against the complainant/respondent No.2 in O.S.No.25174/2018 on 02.02.2018. When the petitioner went near the property on 08.04.2018, a false complaint is filed stating that an abuse is made taking the caste name and also an attempt is made to peep through the window, outraging the modesty of a woman. The learned counsel would contend that this complaint is nothing but an offshoot of the suit filed by the petitioner. When there was a civil suit pending before the Court for declaration initiated by the complainant, only with an intention to harass the petitioner, the present complaint is filed and no such incident was taken place. The learned counsel would also



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submit that with regard to this incident is concerned, none of the public were present and witnessed the same and only made the complainant's wife as an eye-witness and when the same is not taken place within the public view, the question of invoking the special provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, does not arise.

4. Per contra, the learned Additional SPP appearing for respondent No.1/State would submit that along with the complaint, CD is given and CD is also made as PF with regard to the incident is concerned and though no public were present at the spot, but the learned counsel would submit that Section 354C of the SC/ST Act would attract in the case on hand.

5. Having heard the learned counsel for the petitioner and the learned Additional SPP appearing for respondent No.1/State and also looking into the material available on record, particularly the contents of the complaint, an allegation is made that an abuse was made by taking the caste name. It is particularly stated that the incident took place near the house of the complainant. The same is not a public place and it is not



the contention of the complainant in the complaint that abuse was made in the presence of general public. If the incident is not taken place within the public view, the question of attracting the special provisions of the SC/ST Act does not arise. However, with regard to an allegation that the petitioner made an attempt to peep through the window, the same outrages the modesty of a woman and the Court has to take note of that there was a civil dispute between the parties. It is also important to note that the petitioner had purchased the property and also he had initiated the eviction petition against the complainant/respondent No.2 in O.S.No.25174/2018 and the same was filed on 02.02.2018. It is also important to note that the very complainant has initiated O.S.No.25607/2017 on 12.06.2017 questioning the sale deed in favour of the present petitioner. This complaint is offshoot of the suit filed by the very complainant and also the suit filed by the present petitioner. This complaint is filed on 09.04.2018 making an allegation that an incident was taken place on 02.04.2018 and none of the independent eyewitnesses are stated in the complaint except the wife of the complainant. It is nothing but



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an abuse of process by filing the criminal complaint through wife giving a criminal colour in respect of the civil dispute between the parties and civil suit and eviction petition are also pending before the Court. When such being the case, if this Court fails to exercise the powers under Section 482 of Cr.P.C., it is nothing but an abuse of Court process and it leads to miscarriage of justice and hence, it is a fit case to exercise the powers under Section 482 of Cr.P.C.

6. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. The proceedings initiated against the petitioner in Special Case No.827/2018, is hereby quashed.

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

MD
List No.: 1 Sl No.: 18