



CNR: KAHC010212722020

NC: 2026:KHC:52053
CRL.P No. 3425 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3425 OF 2020

BETWEEN:

1. SRI. MANJUNATH,
S/O ERANNA,
AGED ABOUT 65 YEARS,
RETIRED EMPLOYEE OF FOREST DEPARTMENT,
RESIDING AT ANALEKOPPA EXTENSION,
SAGAR TOWN,
SHIVAMOGGA DISTRICT-577201.
2. SRI. SUJAN,
AGED ABOUT 20 YEARS,
S/O MANJUNATH,
STUDENT,
RESIDING AT ANALEKOPPA EXTENSION,
SAGAR TOWN,
SHIVAMOGGA DISTRICT-577201.
3. KUM. SONALI @ SONU,
D/O MANJUNATH,
STUDENT,
AGED ABOUT 21 YEARS,
RESIDING AT ANALEKOPPA EXTENSION,
SAGAR TOWN,
SHIVAMOGGA DISTRICT-577201.

...PETITIONERS

(BY SRI. SYED AKBAR PASHA, ADVOCATE FOR
SRI. R.D. RENUKARADHYA, ADVOCATE)

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Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA,
BY SAGAR TOWN POLICE STATION,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560001.
2. SRI. CHOWDAPPA,
S/O ERANNA,
AGED 67 ABOUT YEARS,
RETIRED COURT EMPLOYEE,
RESIDING AT ANALEKOPPA EXTENSION,
SAGAR TOWN,
SHIVAMOGGA DISTRICT-577201.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. BIMBADHAR M. GOWDAR, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.44/2020 (ARISING OUT OF CR.NO.87/2017 OF TOWN POLICE STATION) PENDING ON THE FILE OF THE PRL. CIVIL JUDGE AND JMFC AT SAGAR, FOR THE ALLEGED OFFENCES UNDER SEC 341, 323, 324, 506 R/W SECTION 34 OF IPC.

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 petitioners, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.



2. The factual matrix of the case of the complainant is that an incident was taken place on 29.03.2017 at 6.30 p.m. and in the said incident, he sustained the injuries. The police have registered the case and investigated the matter and filed the 'B' report and the same is questioned before the Magistrate by filing a protest memo. The Trial Court considered the same as complaint and recorded the statement of the complainant witnesses in view of filing of the charge-sheet and also examined the witnesses and considered the documents of Exs.C.1 and 2. The Trial Court having considered the same, comes to the conclusion that there is no dispute that an incident was taken place on 29.03.2017 at 6.30 p.m. and in the 'B' report also police have not disputed the same. But only reason was given that it was a oral fight and no physical assault. However, the Trial Court taken note of deposition of PW1 and PW2, which clearly shows that there was a quarrel on the date as mentioned in the complaint. The Trial Court also took note of Exs.C.1 and 2, which clearly shows that the complainant was injured in the said incident. In the 'B' report also it is mentioned that CW1 had sustained simple injuries.



CW1 and CW2 have clearly deposed about the incident and the manner in which accused assaulted CW1 and the manner in which he was threatened by the accused. Having considered these materials and particularly the sworn statement as well as the 'B' report, rejected the 'B' report and issued the summons by taking the cognizance for the offences under Sections 341, 323, 324, 506 read with Section 34 of IPC.

3. The learned counsel for the petitioners would vehemently contend that in respect of this incident is concerned, first complaint was given by the petitioners and case is registered and police have also investigated the matter and filed the charge-sheet and trial also held and these petitioners have not indulged in such act. The learned counsel also vehemently contend that the trial was held and convicted in respect of the incident is concerned and the only allegation is that the complainant has sustained only the tenderness. Hence, the police rightly filed the 'B' report that there was no any physical fight, but the Trial Court committed an error in taking the cognizance.



4. Per contra, the learned counsel for respondent No.2/complainant would vehemently contend that the Trial Court taken note of the 'B' report, wherein also admitted the incident was taken place. The only reason given was that the complainant had sustained simple injuries. Even when the police had come to the conclusion that PW1 had sustained simple injuries, ought not to have filed the 'B' report and the same is taken note of by the Trial Court and made an observation considering the document Ex.C.2, which clearly shows that he had sustained not only the tenderness, but even sustained the abrasion. The Trial Court rightly took the cognizance considering the material and hence, it does not require any interference.

5. The learned High Court Government Pleader appearing for respondent No.1/State would submit that there are eye-witnesses to the incident and also wound certificate and the matter requires to be considered before the Trial Court.

6. Having heard the learned counsel for the petitioners, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel



NC: 2026:KHC:52053
CRL.P No. 3425 of 2020

for respondent No.2/complainant and having considered the material on record, the 'B' report was filed. The complainant and also another witness were examined as PW1 and PW2. The Trial Court has taken note of the injuries sustained by PW1 i.e., abrasions and also the tenderness and the same is also not disputed by the police. But in the report, they have stated that he has sustained simple injuries. The issue is not whether it is a simple injury or grievous injury, but the police ought to have filed the charge-sheet, but fails to file the charge-sheet. CW3 and CW4 are the eye-witnesses to the incident and their statement is also recorded. When such being the case, the matter requires trial and the very contention of the learned counsel for the petitioners that the complainant already subjected for trial and convicted, cannot be a ground to file the 'B' report. The Trial Court taken note of the contents of the 'B' report and the reasoning and considering the material on record, rightly taken the cognizance and hence, I do not find any error on the part of the Trial Court in applying its mind. The Trial Court judiciously taken note of Exs.C.1 and 2 as well



**NC: 2026:KHC:52053
CRL.P No. 3425 of 2020**

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as the sworn statement of PW1 and PW2 and hence, no grounds to interfere with taking of cognizance.

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

ORDER

The petition is dismissed.

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

MD
List No.: 1 SI No.: 26