



CNR: KAHC010221232019

NC: 2026:KHC:50931
CRL.P No. 5405 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 5405 OF 2019 (482(Cr.PC)

/ 528(BNSS))

BETWEEN:

1. H. JEEVAN KUMAR
S/O LATE SESAPPA SALIAN
AGED ABOUT 59 YEARS
R/AT DOOR NO.21-3-157/11
PARNA KUTEERA, 3RD MAIN ROAD
SUBHASH NAGARA
BEHIND SRINIVAS COLLEGE
MANGALORE, D K -575 001.
2. PADMAKSHI J.,
W/O JEEVAN KUMAR
AGED ABOUT 52 YEARS
R/AT DOOR NO.21-3-157/11
PARNA KUTEERA, 3RD MAIN ROAD
SUBHASH NAGARA
BEHIND SRINIVAS COLLEGE
MANGALORE, D K -575 001.
3. CHITHRA S BANGERA
D/O L MONAPPA POOJARY
AGED ABOUT 56 YEARS
R/AT DOOR NO.19-5-260-261
OLD KENT ROAD
DHOOMAPPA COMPOUND
MANGALORE, D.K-575 001.
4. NIRMAL KUMAR BANGERA
S/O CHITRA S BANGERA

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 28 YEARS
R/AT DOOR NO.19-5-260-261
OLD KENT ROAD
DHOOMAPPA COMPOUND
MANGALORE, D.K-575 001.

5. NIKHIL KUMAR BANGERA
S/O CHITRA S BANGERA
AGED ABOUT 31 YEARS
R/AT DOOR NO.19-5-260-261
OLD KENT ROAD
DHOOMAPPA COMPOUND
MANGALORE, D.K-575 001.

...PETITIONERS

(BY SRI. NISHIT KUMAR SHETTY.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MANGALORE SOUTH POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE-560 009.
2. SURESH TALLVIKA
S/O CHINGAN TALLAVIK
AGED ABOUT 40 YEARS
MANAGING TRUSTI OF
MAHALINGESHWAR TEMPLE
PANDESHWAR
MANGALORE CITY, D K -575 001.

...RESPONDENTS

(BY SRI. M. DIWAKAR MADDUR, HCGP FOR R1;
SRI. H.R.ANANTHAKRISHNAMURTHY., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER



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IN C.C.NO.2345/2019 (CRIME NO.28/2019) OF MANGALURU SOUTH POLICE PENDING ON THE FILE OF THE JMFC, (II COURT) MANGALURU FOR THE OFFENCE P/U/S.143, 147, 504, 506 R/W SEC.149 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 learned counsel for the petitioners and also learned counsel for the respondent-State.

2. This petition is filed before this Court to quash the proceeding initiated against the petitioner in C.C.No.2345/2019 (Crime No.28/2019), on the file of JMFC (II Court), Mangaluru, for the offences punishable under Sections 143, 147, 504, 506 r/w. Section 149 of IPC.

3. The factual matrix of the complainant's case, as stated in the complaint, is that there was a dispute in respect of the temple. It is alleged that, on 04.01.2019 at about 8:30 p.m., when the complainant and others were standing



near the temple, the petitioners abused them in filthy language and threatened them with life threat.

4. In the contents of the complaint also, it is stated that that the petitioners have abused the complainant in a filthy language and he came to know about the life threat given by the petitioners through his well wishers. The police have registered the case based on this complaint invoking the offences punishable under Sections 143, 504, 506 r/w Section 34 of IPC and investigated the matter and filed the charge sheet. While filing the charge sheet, the police have invoked the offences under Sections 143, 147, 504, 506 r/w Section 149 of IPC.

5. Learned counsel appearing for the petitioners would contend that there was a dispute with regard to the administration of the temple and some other matters are also pending before the High Court. The High Court passed the order in favour of the new management committee.



Thereafter, the complainant has been elected as the President of the Management Committee of the Pandeshwara Mahalingeshwra Temple. It is submitted that false allegations are made against the petitioners. Learned counsel also contend that, while invoking the offences at the initial stage, the police should taken note of the requirement of Section 155(1) of Cr.P.C. in case of receipt of information regarding non-cognizable offences, however, they have failed to consider the contents of the complaint and committed an error in filing the charge sheet invoking the other offences.

6. Per contra, learned counsel appearing for the respondent No.1-State would submit that during the course of investigation, the police have recorded the further statement and filed a charge sheet.

7. Having heard the learned counsel for the petitioner and also the counsel appearing for the respondent No.1-State, the Court has to look into the



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contents of the complaint. At the first instance, except making an omnibus allegation that the petitioners have abused the complainant in a filthy language, nothing has attributed at the spot, the words which have been used are in a filthy language. Apart from that, the contents of the complaint are also very clear that complainant came to know through his well wishers that petitioners were telling that they are going to take away the life. But, no specific allegations at the spot are made by the petitioners i.e., causing of the life threat. But, it is unfortunate that police while filing the charge sheet have invoked the other offences such as Sections 143, 147 r/w 149 of IPC. Though at the first instance, offences were invoked such as Sections 504, 506 of IPC, but, while filing the charge sheet, they have inserted the words of using of filthy language and causing of life threat in an ingenious method.



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8. When the complaint was filed, the genesis of the incident of using the words in a filthy language and also causing of life threat were missing. Though the learned counsel appearing for the State would submit that further statement was recorded on 03.02.2019, however, while registering the case itself, there must be ingredients of the offences alleged. In the present case, nothing is found and the very registration of the case itself is erroneous and proceeding to file a charge sheet is also nothing, but, an abuse of process of law.

9. From the material on record, it is also very clear that there is a dispute with regard to temple administration and matter also has reached to this Court with regard to the administration is concerned and due to the previous enmity in respect of management affairs of the temple, this false implication is made by the complainant, which has led to the registration of the case and investigation.



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10. On perusal of the material on record, when there was no substance in the complaint and no ingredients of the offences under Sections 504, 506 r/w 34 of IPC at the initial stage itself, having considered the contents of the compliant and in view of the observations of the Hon'ble Apex court in the ***Dineshbhai Patel v. State of Gujarat and others*** reported in ***(2018) 3 SCC 104***, wherein the Hon'ble Apex Court held that, if the complaint constitute ingredients of the offences, the police can only proceed further or otherwise, there is no need to proceed in the matter, I am of the view that the petition is to be allowed.

11. In view of the discussion made above, I proceed to pass the following :

ORDER

- (i) Criminal petition is ***allowed***.



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(ii) The proceedings initiated against the petitioners in C.C.No.2345/2019 (Crime No.28/2019), on the file of JMFC (II Court), Mangaluru, for the offences punishable under Sections 143, 147, 504, 506 r/w. Section 149 of IPC are hereby quashed.

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

PSJ
List No.: 1 Sl No.: 24