



CNR: KAHC010221792026

NC: 2026:KHC:52407
CRL.P No. 4964 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 4964 OF 2026

BETWEEN:

GIRISH
S/O LATE V.M. VENKATA SHETTY
AGED ABOUT 50 YEARS,
R/A KADABANAHALLI VILLAGE,
KASABA HOBLI, SAKALESHPURA TALUK,
HASSAN DISTRICT 573127.

...PETITIONER

(BY SRI SATHISHA D J.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
KARNATAKA BY
SAKALESHPURA TOWN POLICE STATION,
SAKALESHPURA CIRCLE
HASSAN, 573127
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.

2. SRI VINAYA KUMAR K. M,
S/O RAJU K M,
AGED ABOUT 38 YEARS,
KASABA HOBLI,
R/A KADABANAHALLI VILLAGE,
SAKALESHPURA TALUK,
HASSAN DISTRICT 573127.

...RESPONDENTS

(BY SRI NAGHARISH G S, HCGP FOR R1,
SRI PRATHEEP K C,ADVOCATE FOR R2)

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RAMNATH HEGDE





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THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ALLOW THIS PETITION AND QUASH THE REGISTRATION OF PROCEEDINGS IN CC.NO.300/2025, FOR THE OFFENCES P/U/S 126(2),352,351(2) OF BNS, 2023, AT ANNEXURE-C, PENDING BEFORE THE SENIOR CIVIL JUDGE AND JMFC, AT SAKALESHPURA, AGAINST THIS PETITIONER IS CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner, learned High Court Government Pleader appearing for respondent No.1-State and the learned counsel appearing for respondent No.2.

2. This petition is filed to quash the proceedings in C.C.No.300/2025 for the offences alleged under Sections 126(2), 352, 351(2) of Bharatiya Nyaya Sanhita, 2023, pending before JMFC, Sakaleshpura, Hassan.

3. Learned counsel appearing for the petitioner would submit that the petitioner is a tenant in respect of the property in question and he had filed an application seeking occupancy. The same was rejected and the said order was questioned

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before the Appellate Authority and the Appellate Authority has remanded the matter and the matter is pending consideration.

4. In addition, learned counsel appearing for the petitioner would submit that the petitioner has filed a suit for injunction in respect of the property which is in dispute. It is submitted that an application filed by the plaintiff seeking injunction was allowed in part, directing the parties to maintain *status quo*. The said order was called in question by the defendant who had also filed an application seeking temporary injunction. The Miscellaneous Appeal was allowed. The order directing *status quo* against the defendant was set aside and injunction is granted in favour of the defendant who is respondent No.2 before this Court.

5. It is the further submission that said order is called in question before this Court in Writ Petition No.29759/2024 and this Court has granted *status quo* on 24.02.2025. The complaint is lodged relating to the incident dated 11.03.2025. The said Writ Petition is disposed of vide order 04.02.2026 with a direction to both the parties not to alter the nature of the

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property. Thus, the learned counsel would submit that criminal prosecution is untenable.

6. It is the further submission that the petitioner has also lodged a complaint and petitioner's complaint is the first complaint and present complaint is a counter blast to the complaint filed by the petitioner. Thus, learned counsel would urge that the charge sheet has to be quashed.

7. Learned counsel appearing for respondent No.2 would submit that the civil dispute relating to the property is pending before the Trial Court. However, the alleged incident is captured in a CCTV camera which was fixed at the scene of offence and the same was recovered by the Investigating Agency and is made part of the charge sheet.

8. Merely because the complaint is filed by the petitioner earlier to the complaint filed by respondent No.2, it is not a ground to quash the proceedings, is the submission.

9. The Court has considered the contentions raised at the Bar and perused the records.

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10. To the question put by the Court, learned counsel appearing for respondent No.2 on instructions would submit that, in the complaint filed by the petitioner, charge sheet is filed against respondent No.2 and same is pending consideration before the Trial Court.

11. The Court has noticed the allegations made in the complaint.

12. In the complaint, it is alleged that there was a verbal abuse and threat given to the complainant and there was an attempt to trespass into the property. Though it is seen that the dispute relating to the title to the property is still pending consideration and the Criminal Court may or may not be in a position to decide as to whether there was an attempt to trespass or not, however, the allegation relating to threat and verbal abuse has to be inquired into by the Trial Court based on the charge sheet materials.

13. In addition, *Prima facie* it is noticed that sale deed and RTC stand in the name of complainant/respondent.

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14. The application filed by the petitioner seeking occupancy is still under consideration.

15. *Prima facie* it is noticed that the injunction order is in favour of respondent No.2 which was granted by the Appellate Court in M.A.No.13, 14 and 15 of 2024. The relevant part of the operative portion of the said order reads as under:

"The plaintiffs and defendants No.7 to 10 are hereby restrained by way of temporary injunction from interfering with the defendant No.6 possession and enjoyment over the suit schedule properties till the disposal of the suit."

16. This being the position, the Court is of the view that the matter requires trial.

17. Accordingly, the Criminal Petition is ***dismissed***.

18. It is made clear that observations made in this order are only confined only to the merits of the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and not on the merits or demerits of the charge sheet which is filed before the Trial Court. All contentions are kept open.

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19. Observations made in this order should not be construed as having reflected anything on the merits of the civil suit or the application pending before the Competent Authority.

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(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 1 Sl No.: 17