



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 5873 OF 2026

BETWEEN:

B H NAGARAJU
S/O HANUMANTHAIAH,
AGED ABOUT 45 YEARS,
R/AT. NO.46, BETTAHALLI,
KADABAGERE,
BENGALURU - 562 130.
(AS PER AADHAR CARD)

AND ALSO R/AT:
C/O. RENT HOUSE OF SRI MANU,
NO.12, NYANAPPANAHALLI,
BEGUR HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 560 076.

...PETITIONER

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

[BY SRI H. PAVANA CHANDRA SHETTY, ADVOCATE (PH)]

AND:

- 1 . STATE OF KARNATAKA
BY ITS R.M.C. YARD POLICE STATION,
BENGALURU,
REP BY HIGH COURT SPP,
BENGALURU - 560 001.



2 . BINDYA K. RAJ,
W/O B.H. KEMPARAJ,
AGED ABOUT 48 YEARS,
R/AT FLAT NO.A-1102,
RNS SHANTHI NIVASA,
YESHWANTHAPURA,
BENGALURU CITY - 560 022.

...RESPONDENTS

[BY SMT. SOWMYA R., HCGP FOR R1 (PH)
SRI PRUTHVEESH M.K., ADVOCATE FOR
SRI RANGANATH R., ADVOCATE FOR R2]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE FIR IN CRIME NO.0067/2026 REGISTERED BY THE
R.M.C. YARD POLICE STATION ON THE PENDING FILE OF THE
COURT OF XXXI ADDL. CHIEF JUDICIAL MAGISTRATE,
BENGALURU CITY AGAINST THE PETITIONER FOR THE
OFFENCE PUNISHABLE UNDER SECTION 329 (4), 79, 352,
351(2) AND 351(3) OF BHARATIYA NYAYA SANHITA, 2023
PRODUCED HERewith AS DOCUMENT NO.1. AND ALLOW THIS
CRL.P WITH COSTS THROUGHOUT .

THIS PETITION IS HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 25.06.2026, THIS DAY, THE COURT,
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



CAV ORDER

Challenging FIR in Crime no.67/2026 registered by RMC Yard Police Station presently pending on file of XXXI Additional Chief Judicial Magistrate, Bengaluru City for offences punishable under Sections 329(4), 79, 352, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023, (**BNS**) this petition is filed by sole accused.

2. Sri H Pavana Chandra Shetty learned counsel for petitioner submitted that petitioner was accused in impugned complaint filed by respondent no.2 (complainant) who was his sister-in-law. It was stated that in pursuance of directions issued by this Court in WP no.30719/2025 disposed of on 30.01.2026 [2026:KHC:5327] filed by petitioner herein, Crime no.49/2026 was registered by Hulimavu Police Station, wherein complainant herein was accused no.2.

3. It was submitted, when petitioner was asked to accompany Hulimavu Police for investigation of Crime no.49/2026 and went to RNS Shanti Nivasa Apartments, where complainant herein was residing she filed impugned false complaint as counter blast with malafide intention. It was



submitted dispute was purely civil in nature and with antecedents of earlier litigation. Same also suffered from afterthought and unexplained delay of 48 days and complaint did not disclose commission of any cognizable offence.

4. In complaint, complainant stated that along with her husband and brother-in-law (petitioner) she was into real estate business and formed partnership - M/s. Mithila Land Developers (Regn.no.RJR/27/2017-18). For expansion of its business they obtained investment from outsiders on profit sharing basis. For said purpose, petitioner was inducted as partner. When disputes arose OS no.163/2024 was filed by Petitioner, wherein he failed to obtain temporary injunction and suit was pending. And as per order in CMP no.476/2024 there sole arbitrator was appointed and proceedings in AC no.162/2025 were in vogue.

5. And due to illegal activities of Petitioner, Crime no.447/2024 and 406/2024 were registered for offences punishable under Sections 341, 406, 417, 419, 465 and 506 read with Section 34 of IPC. Though they were challenged in Crl.P.no.9531/2024, it was dismissed and investigation was in



progress. Further, on false allegation against complainant and her husband of cheating to tune of Rs.42 Crores, accused filed complaint with Hulimavu Police Station. After it was refused to be registered as civil dispute, accused filed WP no.30719/2025 and in terms of directions issued Crime no.49/2026 was registered. But, in interim order passed in WP no.5113/2026 on 12.02.2026 further proceedings in complaint were stayed. In meanwhile at 2:30 pm on 15.09.2025, her husband received information about accused going towards it, he went to partnership property at Ravutanahalli and found that accused had damaged windows, roof, walls, etc. with stones and left.

6. In continuation of illegal activities, accused trespassed into complainant's Apartment at 3:30 pm on 12.02.2026 and abused complainant in foul language, threatened to isolate her family from society etc. After return of her husband and verification of CCTV recording accused was found to have roamed around for half an hour, visited apartment office and made defamatory statements against complainant and threatened to harm her life or her husband. And by deliberately misinterpreting Court orders and making baseless allegations accused insulted complainant and her



husband in public and damaged their reputation. He not only indulged in abusing her in foul language but also gave false information to neighbours continuously, due to which complainant's neighbours began avoiding herself and minor children and caused severe mental and physical harassment.

7. As said acts were punishable offences and committed by accused with common intention to outrage modesty of woman and offences were continuous in nature and complaint was registered as Petition no.1349260600029 on 13.02.2026, as she was unable to attend investigation due to her husband's absence, written complaint was filed on 31.03.2026 and prayed for taking appropriate action.

8. It was submitted, impugned FIR was liable to be quashed on ground of unexplained delay of 48 days as well as being an afterthought and counterblast to complaint filed by Petitioner. It was submitted, possibility of occurrence of incidents as alleged was bleak as Petitioner had in fact accompanied Police for investigation. Further his entry into apartment complex which was gated community was with permission belying allegation of trespass and offence under



Section 329 of BNS. And, since incident did not occur in public view, invocation of Section 352 of BNS was illegal. Further, as Petitioner was accompanying Police, there was no likelihood of any threat being offered by Petitioner to complainant. Hence, allegation of criminal intimidation or outraging modesty of woman under Sections 351 (2) and (3) and Section 79 of BNS was not justified. It was submitted impugned FIR was also liable to be quashed on ground that pure civil dispute was sought to be given criminal color. On above grounds prayed for allowing petition.

9. On other hand Smt.Sowmya R learned HCGP for respondent no.1-State opposed petition. It was submitted, complaint discloses essential ingredients of offences alleged and contentions urged were matters for investigation and trial and sought for dismissal.

10. Sri Prithveesh MK learned counsel appearing for Sri Ranganath R learned counsel for respondent no.2-complainant at outset submitted, in case Petitioner had accompanied Police for investigation and drawing Mahazar failure to produce Mahazar required drawing adverse inference. Alternatively, it



was submitted, said contention was defense and elucidated only in trial. It was submitted complaint disclosed essential ingredients of offences of criminal trespass, usage of filthy language to outrage modesty of woman and criminal intimidation. It was submitted, since petitioner was challenging FIR, even if any ingredients of any one offence was made out, investigation must be permitted to continue and FIR cannot be quashed.

11. It was submitted, Petitioner had previously attempted to register a counter-case against complainant, which was summarily dismissed by Police as civil dispute, but registered later as per directions of this Court in WP no.30719/2025. However, said FIR was stayed by this Court on 12.02.2026 in WP no.4836/2026. Further, directions issued in WP no.30719/2025 were subsequently challenged in WA no.557/2026 and an interim order was granted.

12. It was further submitted in WP no.30719/2025 Petitioner had shown address of complainant as Shourya Farm Studio Road, Bettahalli village, Dasanapura Hobli, Bengaluru. Same address was referred to in Crime no.49/2026. Besides



fact that further proceedings in Crime no.49/2026 were stayed on 12.02.2026 in WP 4836/2026, there would be no occasion or justification for Petitioner to have entered RNS Shanti Nivasa Apartments which was never mentioned as place of incident or residence of complainant. Therefore, claim of Petitioner accompanying Police for investigation would not be justified. Fact that particulars of drawing of mahazar were not placed on record to corroborate Petitioner's claims. Consequently, based merely on bald allegations FIR could not be quashed.

13. Further, very contention of Petitioner that he had accompanied Police would amount to admission of his presence in apartment complex and complainant had in fact clearly stated in complaint that his presence and trespassing into complainant's apartment as well as abusing complainant and her family was recorded by CCTV, which had to be taken on face value at this stage. It was submitted, police never came to complainant's doorstep and remained entirely in lobby area during incident. Hence, Petitioner's claims were factually incorrect besides being untenable.

14. Insofar as contention of delay in filing complaint was refuted on ground that complaint was in fact filed



immediately after incident, registered as a petition for preliminary enquiry on 13.02.2026 itself and complainant had assigned reasons for filing written complaint again on 31.03.2026. Thus, there were no good grounds for allowing petition and prayed for its dismissal.

15. Heard learned counsel and perused material on record.

16. This petition is by sole accused challenging registration of FIR for offences punishable under Sections 329 (4), 79, 352, 351(2) and (3) of BNS. It is settled law that scope of examination in challenge against registration of FIR, would be confined to finding out whether FIR did not disclose commission of an offence without anything being added or subtracted from the recitals therein. In **State of A.P. v. Golconda Linga Swamy** reported in **(2004) 6 SCC 522**, it is held FIR is not intended to be an encyclopaedia of background scenario but must disclose skeletal features of offences.

17. As noted above, impugned complaint is preceded by several instances of civil disputes including filing of suit by complainant and her husband against Petitioner and arbitration



proceedings. Essential ingredients of offence under Section 329 (4) of BNS namely, house trespass are entry into another's dwelling. Complaint contains clear averments about entry of Petitioner into apartment of complainant. Thus, essential ingredients of offence are made out. Likewise essential ingredients of offence under Section 79 of BNS are utterance of words or making of gestures intending to be seen or heard by such woman when made with intent to insult her modesty. It is seen that in complaint, complainant had stated about use of abusive words by Petitioner to insult her modesty.

18. Further essential ingredients of offence under Section 352 of BNS are intentional insult to provoke any person intending or knowing it to be likely to cause such person to break public peace or commit any offence. In **Madhushree Datta v. State of Karnataka** reported in **(2025) 3 SCC 612**, Hon'ble Supreme Court has held, disclosure of words used to insult would be necessary. Complaint herein appears wanting in this regard. But some essential ingredients such as threat of injury to person with intent to cause alarm are present. Therefore, it cannot be held that ingredients of offences are totally missing or do not disclose any offence.



19. Contentions urged are in nature of defenses cannot be considered in a challenge under Section 482 of CrPC. When, petitioner has not disputed visiting Apartment Complex, where complainant resides and when said address is not mentioned as her address either in complaint (Crime no.49/2026) or in WP 30719/2025 and consequently incident alleged in said complaint could not have occurred there, need to visit said place would itself require elucidation. Moreover, complainant has claimed corroboration of her allegations from CCTV footage. Under above facts and circumstances, merely on ground of antecedents of litigation between parties, cannot be sole ground to read complaint allegations with colored glasses.

20. Petition is devoid of merit and is ***dismissed***.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL,AV,GRD
List No.: 1 Sl No.: 49