



CNR: KAHC010273022024

NC: 2026:KHC:51206
CRL.P No. 4275 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 4275 OF 2024

BETWEEN:

1. SRI. G. V. KUMARASWAMY
S/O LATE G.V APPANNA
AGED ABOUT 71 YEARS
R/AT NO. 29, 4TH CROSS
80 FEET ROAD,
VENKATAMMA LAYOUT
SUBBANA PALYA
BANGLAORE NORTH
MARUTHI SEVANAGAR
BANGALORE 560 033

2. G.V RAKESH
S/O G.V KUMARASWAMY
AGED ABOUT 42 YEARS

3. ANUSHA V
W/O G.V RAKESH
AGED ABOUT 35 YEARS

ACCUSED NO.2 & 3 R/AT NO. 41, 42,
L.R. BANDE SHAMPUR
OPP RAGHAVENDRA TEMPLE
SHAMPUR, BANGALORE NORTH
PO: R.T NAGAR, BANGALORE-560 032

...PETITIONERS

(BY SRI. SANTOSH S GOGI, ADVOCATE FOR
SRI. GOUTHAM.M, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA
DEVARAJEEVANAHALLI POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF THE KARNATAKA
HIGH COURT BUILDINGS
BENGALURU-560 001
2. RIYAZ AHMED
AGED ABOUT 55 YEARS
ASSISTANT SUB INSPECTOR
D.J HALLI POLICE STATION
BANGALORE CITY-560 045

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
R2-SERVED, UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR IN CR.NO.53/2024 OF DEVARAJEEVANAHALLI
POLICE NOW WHICH IS PENDING ON THE FILE OF THE XI
ACMM AT BENGALURU FOR THE OFFENCE P/US/ 287,336,337
R/W SEC.34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C. seeking
to quash the FIR registered in Crime No.53/2024 by respondent
No.1 - police against the petitioners for the offences under
Sections 287, 336, 337, read with Section 34 of IPC.



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2. The brief facts of the case are that respondent No.2, the Assistant Sub Inspector of Police of D.J.Halli Police Station lodged a complaint before the respondent No.1 - police alleging that on 05.02.2024 at about 10.00 a.m., when he was posted on duty to take precautionary measures for the arrival of MLA at Pulakeshinagara Assembly Constituency for attending Poorna Smrithi Public School which is situated in the jurisdiction of D.J.Halli. Accordingly, he was standing outside the said school and around 11.30 a.m., he heard huge noise, when he went near the lift, he found that 3 to 4 publics who were in the lift cabin were injured due to sudden landing of the lift and thereafter, he shifted the injured to the hospital. Accordingly, he lodged a complaint against the Chairman, Secretary and Member of the said School and against persons who supplied and installed the lift in the school. As such, the respondent No.1-Police registered FIR in Crime No.53/2024. Aggrieved by the same, the petitioners preferred this petition.

3. Heard the learned counsel for the petitioners and the learned High Court Government Pleader.



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4. The primary contention of the learned counsel for the petitioners is that, the petitioners, being the Chairman, Secretary and Member of the school, are no way responsible for the mechanical defect in the lift and also for the injuries sustained by the passengers in the lift. According to him, mechanical defect was found in the lift on the day of inauguration of an auditorium in the school, which was overloaded due to additional passengers carried by the operator. Hence, the incident might have caused for the said reason. He further submitted that the petitioners cannot be held responsible for the same and therefore, the proceedings if continued against them, it would be abuse of process of law. Accordingly, he prays to quash the proceedings against the petitioners.

5. Learned HCGP opposed the prayer of the petitioners on the ground that the case is at the crime stage and the investigation is yet to be commenced in order to ascertain the truth. As such, at this stage, the petition cannot be quashed. Accordingly, he prays to dismiss the petition.



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6. I have given my anxious consideration to the submissions of the respective counsel and perused the materials on record.

7. As could be gathered from records, admittedly, the petitioners are the Chairman, Secretary and the Member of the School. No doubt, due to the defect in the lift the passengers in the lift sustained injuries. However, such a vicarious liability cannot be fastened against the petitioners, since vicarious liability is alien to the criminal law. Further, at the time of the incident, the lift was operated by the operator and the same was supplied by the Amruth Elevators, who were also accused in the case.

8. The Hon'ble Apex Court in the case of **Mohammad Wajid v. State of U.P.** reported in **2023 SCC OnLine SC 951**, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed, the Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining



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whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

9. I am of the considered view that, if entire allegation in the FIR and other documents taken into consideration on its face value, even then, no case has been made against the petitioners for the offences alleged against them. Hence, continuation of proceedings against them is abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed***.



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ii. The proceedings against the petitioners/accused Nos.1 to 3 in Crime No.53/2024 registered by the 1st respondent - Police, against the petitioners for the offences punishable under Sections 287, 336, 337 read with Section 34 of IPC on the file of the XI Addl. Chief Metropolitan Magistrate, Bengaluru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS/List No.: 1 Sl No.: 28