

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 5278 OF 2024

BETWEEN:

SRI. M. BHASKARAN
S/O LATE MUNISWAMY CHETTI,
AGED ABOUT 60 YEARS,
R/O 5/5, YAJURVEDH, 1ST FLOOR,
6TH MAIN ROAD, BTM LAYOUT,
ROOPENA AGRAHARA,
BOMMANAHALLI, BANGALORE
KARNATAKA - 560 058

...PETITIONER

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HSR LAYOUT POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
KARNATAKA HIGH COURT BUILDING,
KARNATAKA -560 001
2. SRI. KETAN HIRANAI
S/O HARASUKHBHAI HIRANI,
AGED ABOUT 39 YEARS,
AUTHORISED SIGNATORY OF
M/S ZION SALOONS (SOUTH)
A PARTNERSHIP FIRM,
HAVING ITS OFFICE AT JAHARANA
GROUND FLOOR,
NO. 448, 4TH SECTOR , 17TH MAIN,
17TH CROSS, HSR LAYOUT,
BENGALURU 560 102

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. SACHIDANANDA K, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE COMPLAINT DATED 28.05.2024 (ANNEXURE-A) AND FIR DATED 28.05.2024 IN CR.NO.0194/2024 (ANNEXURE-B) REGISTERED BY THE RESPONDENT NO.1 POLICE - HSR LAYOUT POLICE FOR THE OFFENCE P/U/S 143, 147, 392, 441, 120B, 149 OF IPC PENDING ON THE FILE OF XXXIX ADDL.C.M.M., BENGALURU ARISING THEREFROM AGAINST THE PETITIONER.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 29.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This criminal petition is filed under Section 482 of Cr.P.C to quash the FIR against the petitioner/accused in Crime No.194/2024 registered by HSR Layout Police Station for the offences punishable under Sections 143, 147, 392, 441, 120B read with section 149 of IPC, presently pending on the file of the 39th Additional CMM Court, Bengaluru.

2. The factual matrix of the case is that respondent No.2-complainant lodged a complaint before respondent No.1-police alleging that he is the authorised signatory of a partnership firm, namely, M/s. Zion Saloons (South). It is alleged that the said firm had taken the ground floor portion of

the commercial complex known as "JHARANA", situated at property bearing No.448, 4th Sector, 17th Main, 17th Cross, HSR Layout, Bengaluru, on lease under a registered lease deed dated 23.06.2018 and that the petitioner is the owner of the leased premises. It is further alleged that the petitioner and his son one Samarjit. B had assured that a separate electricity meter would be provided to the leased premises, however, the same was not provided. It is also alleged that the petitioner was collecting maintenance charges at the rate of Rs.5/- per sq.ft.

3. It is further alleged that, despite collecting maintenance charges, the petitioner failed to maintain the building and did not permit respondent No.2 to utilise the parking space in the basement. Thus, according to respondent No.2, the petitioner committed breach of the terms of the lease. Further, alleged that when respondent No.2 protested and stated that the rent would not be paid unless the alleged breach was rectified, the petitioner disconnected the electricity supply to the premises, thereby causing loss to the business and affecting the reputation of respondent No.2. It is further alleged that respondent No.2 had instituted a suit in

O.S.No.4925/2020, wherein an order of temporary injunction was operating against the petitioner and his son.

4. It is further alleged that the petitioner had sent his henchmen to assault respondent No.2 and cause injuries, on account of which a complaint was lodged before the police and a charge-sheet came to be filed in C.C.No.11359/2021. However, the said matter was subsequently referred to the Lok Adalat. It is further alleged that a Memorandum of Understanding was entered into between the petitioner and respondent No.2, under which respondent No.2 agreed to pay a sum of Rs.6,00,000/- towards arrears of rent up to the end of April 2021. It is also alleged that, owing to the COVID-19 pandemic, the monthly rent was reduced to Rs.1,06,000/- up to April 2022 and, from May 2022 onwards, respondent No.2 has been paying rent at the rate of Rs.2,12,000/- per month.

5. It is further alleged that, during the last week of September 2023 and in November 2023, the petitioner and his son locked the basement floor and disconnected the electricity supply to the premises, which was restored only after respondent No.2 approached the police. It is alleged that, on account of such frequent disturbances from the petitioner and

his son, respondent No.2 suffered loss of business and damage to his reputation.

6. It is further alleged that, on 28.05.2024, about 60 persons, claiming to be henchmen of the petitioner, forcibly entered the premises of respondent No.2, took away the mobile phones of the staff and also the salon materials worth about Rs.1 crore. Hence, respondent No.2 lodged a complaint before respondent No.1-police on 28.05.2024 against the petitioner and 60 others. On the strength of the said complaint, respondent No.1 registered Crime No.194/2024 against the petitioner and 60 others for the offences punishable under Sections 143, 147, 392, 441, 120B and 149 of the IPC. Being aggrieved by the registration of the said crime against the petitioner, he has preferred the present petition.

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

8. Apart from urging several contentions, learned counsel for the petitioner primarily contended that the impugned proceedings arise out of a landlord-tenant dispute and have been initiated only to give a criminal colour to an

essentially civil dispute. It is submitted that respondent No.2 committed default in payment of rent, pursuant to which the tenancy was terminated, and that the dispute is already pending before the competent Civil Court. Hence, according to learned counsel, the present complaint is a counterblast to the termination of tenancy and an attempt to pressurise the petitioner to permit respondent No.2 to continue in possession.

9. It is further contended that the allegation that the henchmen of the petitioner entered the premises, ransacked the same and took away the belongings of respondent No.2 is contrary to the statement of respondent No.2 himself, wherein he has stated that, at the time of lodging the complaint, the said articles were in the police station. It is therefore contended that the allegations against the petitioner are vague and omnibus, and no specific overt act is attributed to him. Merely alleging that certain persons, stated to be the henchmen of the petitioner, entered the premises and committed the alleged acts, without any specific material connecting the petitioner with such acts, would not constitute the offences alleged against him. It is also submitted that the ingredients of criminal trespass are not attracted in the facts of the case. Accordingly, learned counsel contended that continuation of the criminal

proceedings against the petitioner, arising out of a civil dispute and based on vague and unsubstantiated allegations, would amount to an abuse of the process of the Court. Hence, he prays to allow the petition.

10. *Per contra*, learned counsel for respondent No.2 contended that the henchmen of the petitioner entered the premises of respondent No.2 despite the interim order passed by the Civil Court, ransacked the premises and took away all the belongings of respondent No.2 in three lorries. It is submitted that, after the complaint was lodged, the said articles were brought back and kept at the Police Station. It is further contended that, after dispossessing respondent No.2 from the premises, the petitioner inducted a new tenant therein and that multiple suits are pending between the parties. Learned counsel further submitted that the investigation is still at a nascent stage and, therefore, the FIR cannot be quashed at this stage. Accordingly, he prays for dismissal of the petition.

11. Learned High Court Government Pleader also opposed the petition, contending that, based on the complaint lodged by respondent No.2, the FIR came to be registered against the petitioner and 60 others for the offences stated

supra and that the investigation is still in progress. It is therefore contended that, at this stage, the FIR cannot be quashed. Accordingly, he prays for dismissal of the petition.

12. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and to the entire documents available on record.

13. As could be gathered from records, the landlord-tenant relationship between the petitioner and respondent No.2 is not in dispute. It is also not in dispute that respondent No.2 instituted O.S.No.4925/2020 against the petitioner seeking the relief of temporary injunction and that the said suit is pending consideration.

14. According to respondent No.2, on 28.05.2024 at about 11.00 a.m., the petitioner along with 60 others forcibly entered the premises and took away his belongings worth about Rs.1 crore. However, in the complaint itself, respondent No.2 has stated that, upon the intervention of the police, the movables allegedly taken away were brought to the Police Station. It is also relevant to note that, as per the recovery mahazar, the said articles were brought back to the Police Station in three lorries at the time of lodging the complaint.

15. Further, the legal notice issued by learned counsel for the petitioner to respondent No.2 on 24.05.2024 discloses that respondent No.2 was due a sum of Rs.77,99,089/- towards arrears of rent and maintenance. The said notice was served upon respondent No.2 on 25.05.2024. Within three days thereafter, respondent No.2 lodged the present complaint on 28.05.2024 against the petitioner and others. The proximity of these events assumes significance and *prima facie* indicates that the complaint was lodged as a counterblast to the legal notice issued by the petitioner demanding payment of the arrears of rent.

16. It is further evident from the records that, despite obtaining an interim order of injunction against the petitioner, respondent No.2 continued to occupy the premises without payment of rent. This aspect is *prima facie* borne out from the suit instituted by respondent No.2 and the legal notice issued by the petitioner. In the facts and circumstances of the case, the material on record *prima facie* indicates that the present complaint has arisen out of the subsisting civil dispute between the parties and appears to have been lodged with a view to give a criminal colour to the said dispute.

17. The Hon'ble Apex Court in the case of **BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT** in **SLP (CrI) No.15537/2023** dated 22.05.2026, held in paragraph Nos.52 to 54 as under:

"52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.

53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,¹² namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

18. Further the Hon'ble Apex Court in the case of **MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488** in paragraph No.11 to 14 held as under:

"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not

prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no

prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.” We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article

226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, 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 whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances 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 the CrPC or Article 226 of the Constitution need not restrict itself only to the stage

of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

"5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of

justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or

complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless

harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death....." (Emphasis supplied)

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

19. Collocating the above findings of the Hon'ble Apex Court in the above judgments to the facts and circumstances of this case, I am of the considered view that the continuation of the proceedings against the petitioner-accused is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused in Crime No.194/2024 registered by HSR Layout Police Station for the offences punishable under Sections 143, 147, 392, 441, 120B read with section 149 of IPC, presently pending on the file of the 39th Additional CMM Court, Bengaluru, are hereby quashed.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS/K