



CNR: KAHC010749752025

NC: 2026:KHC:48704
CRL.P No. 15779 of 2025
C/W CRL.P No. 7159 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 15779 OF 2025

(482(Cr.PC) / 528(BNSS)-)

C/W

CRIMINAL PETITION NO. 7159 OF 2025 (482(Cr.PC)

/ 528(BNSS)-)

IN CRL.P No. 15779/2025

BETWEEN:

SRI PRADEEP KUMARA B S
S/O. LATE SOMASHEKARAPPA,
AGED ABOUT 42 YEARS,
R/AT K.V. COLONY,
KADUR TALUK.
KADURU TOWN,
CHICKMAGALURU DISTRICT 577548

...PETITIONER

(BY SRI. K.R.SUBHASH., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KADUR POLICE STATION,
CHICKMAGALURU DISTRICT,
REP. BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SRI. P.D.KUMARAPPA,
S/O. LATE DODDANINGAPPA,
AGED ABOUT 51 YEARS,
RETD. POLICE HEAD CONSTABLE,
R/AT. OPP. B.G.S. SCHOOL,

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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NEAR MEGALA CANAL,
MALLESHWARA, KADUR TALUK,
CHICKMAGALUR DISTRICT 577548

...RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
SRI. MAHANTESH G., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO ALLOW THE ABOVE PETITION BY QUASH THE ENTIRE CHARGE SHEET AND THE PROCEEDINGS THEREON IN CC.NO.600/2025 ARISING OUT OF CR.NO.6/2025 REGISTERED BY KADUR P.S., FOR THE OFFENCES P/U/S 126(2), 352, 351(2), 115(2), 118(1), 74 OF BNS ACT, PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (JR.DN) AND JMFC, KADUR, CHICKMAGALUR DISTRICT AND ETC.

IN CRL.P NO. 7159/2025
BETWEEN:

1. P D KUMARAPPA
S/O. LATE DODDA NINGAPPA,
AGED ABOUT 51 YEARS,
POLICE HEAD CONSTABLE,
RESIDING OPPOSITE TO BGS SCHOOL,
NEAR MEGAL KALUVE,
MALLESHWARA, KADUR TALUK,
CHIKKAMAGALURU DISTRICT-577 548.
2. SMT. HEMALATHA
W/O. P. D. KUMARAPPA,
AGED ABOUT 52 YEARS,
RESIDING OPPOSITE TO BGS SCHOOL,
NEAR MEGAL KALUVE,
MALLESHWARA, KADUR TALUK,
CHIKKAMAGALURU DISTRICT-577 548.

...PETITIONERS

(BY SRI. G MAHANTESH., ADVOCATE)

AND:

1. THE STATE
THROUGH KADUR POLICE STATION,
CHIKKAMAGALURU DISTRICT,
REPRESENTED BY SPP,



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HIGH COURT OF KARNATAKA,
BENGALURU-560001.

2. PRADEEP KUMARA. B. S.
S/O. LATE SOMASHEKARAPPA,
AGED ABOUT 42 YEARS,
K.V.COLONY,
KADURU TOWN,
KADURU TALUK,
CHIKKAMAGALURU DISTRICT,
PIN-577 548.

...RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
SRI. K.R. SUBHASH., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED
U/S 528 BNSS) PRAYING TO CALL FOR THE RECORDS IN CC NO.
601/2025 PENDING BEFORE THE CIVIL JUDGE AND JMFC,
KADUR, CHIKKAMAGALUR DISTRICT; AND ETC.

THESE CRIMINAL PETITIONS, COMING ON FOR ADMISSION,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned HCGP accepts notice for respondent No.1.
Sri.Mahantesh.G., learned counsel who had appeared
for respondent No.2 in CrI.P.No.7159/2025 accepts
notice for respondent No.2.
2. The petitioner in CrI.P.No.15779/2025 is before this
Court seeking for the following reliefs;

*a) Allow the above petition by quash the entire charge
sheet and the proceedings thereon in
CC.No.600/2025 arising out of Cr.No.6/2025
registered by Kadur P.S., for the offences p/u/s*



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126(2), 352, 351(2), 115(2), 118(1), 74 of BNS Act, now pending on the file of Principal Civil Judge (Jr.Dn) and JMFC, Kadur, Chickmagalur District

b) Pass such other orders deem fit in the circumstances of the case to meet the ends of justice.

3. The petitioner in Crl.P.No.7159/2025 is before this Court seeking for the following reliefs;

- a. CALL for records in CC No.601/2025 pending before the Civil Judge and JMFC, Kadur, Chikkamagalur District;*
- b. Quash the Criminal Proceedings in CC No.601/2025 pending before the Civil Judge and JMFC, Kadur, for alleged offences punishable 329(3), 352, 118(1), 351(3) R/w 3(5) of BNS, 2023, in respect of Petitioners in the interest of Justice and equity;*
- c. Pass any other suitable order or direction as deem fit by this Hon'ble Court under the facts and circumstances of the case, in the interest of Justice and equity.*

4. ***Facts in Crl.P.No.7159 of 2025;***

4.1. The petitioners in Crl.P.No.7159 of 2025 are the husband and wife. Petitioner No.1 being a Police Head Constable. Respondent No.2 had filed a complaint which came to be registered as Crime No.5 of 2025 by the Kadur Police Station, Chikkamagaluru District for offences punishable under Section 118(1), 3(5), 324(4), 329(3), 351(3), 352 of BNS, 2023.



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Investigation being completed, a charge sheet in CC No.601 of 2025 had been laid for the aforesaid offences.

5. Facts in Crl.P.No.15779 of 2025.

5.1. Respondent No.2 lodged a complaint against the petitioner on 02.01.2025. In the said complaint, it was alleged that, when respondent No.2 had gone for his duty, the Police Sub-Inspector of Sakarayapatna had directed him to attend night duty at the Government Hospital, Kadur. Accordingly, after leaving Sakarayapatna, he proceeded towards Kadur and reached there at about 2.00 p.m.

5.2. It was further alleged that the Bill Collector of the Grama Panchayat telephoned respondent No.2 and asked him to get the electricity connection to his house through one Raju. At that point of time, the petitioner, whose site is situated adjacent to the site of respondent No.2, allegedly came there, removed the thorny plants which had been placed on the road, obstructed the passage of respondent No.2 and abused him in filthy language.



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- 5.3. Respondent No.2 further alleged that the petitioner assaulted him with a stick and threatened him with dire consequences, including a threat to his life. It was also alleged that the petitioner assaulted the wife of respondent No.2, tore her clothes, abused his mother and provoked respondent No.2. These allegations form the basis of the complaint lodged by respondent No.2 against the petitioner.
6. Heard learned counsel for the petitioner. Though respondent Nos.2 and 3 have been served, they have remained unrepresented. Perused the papers on record.
7. The incident forming the subject matter of both the criminal petitions is one and the same, namely, the incident dated 02.01.2025. The complaint lodged by Sri. Pradeep Kumara B.S. has to be examined in the context of the dispute which already existed between the parties with regard to their respective properties, boundaries and access to the road.
8. The record establishes that the dispute between the parties is not of recent origin. Sri. Pradeep Kumara B.S. and Sri. P.D. Kumarappa were already litigating



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before the Civil Court in O.S. No.13 of 2022. Sri.Pradeep Kumara B.S. was arrayed as the 4th plaintiff and Sri. P.D. Kumarappa as the defendant. The suit itself arose out of the dispute concerning the plaint schedule road and the alleged obstruction and encroachment thereof. The relief sought was for permanent injunction restraining Sri.P.D. Kumarappa from obstructing or interfering with the peaceful use of the road and from encroaching upon the same.

9. Thus, the dispute regarding the property, its boundaries and the right of access to the road was already pending before the Civil Court nearly three years prior to the incident dated 02.01.2025. The incident which subsequently occurred was a direct consequence of that continuing dispute. The complaint itself makes this position evident, since the immediate cause of the altercation was the removal of the fencing/thorny plants and the alleged obstruction of the passage.
10. The criminal proceedings, therefore, cannot be divorced from the civil dispute. The parties were asserting competing claims over the same property and the same access way. The altercation dated 02.01.2025 arose in the course of that dispute. The



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criminal complaints are consequently nothing but an attempt to convert the existing civil dispute into criminal proceedings.

11. The existence of a civil dispute does not, as a matter of law, by itself preclude criminal proceedings. However, that principle has no application where, on the facts of the case, the criminal process is invoked in respect of an occurrence which is intrinsically connected with the determination of civil rights and is used to exert pressure upon the opposite party in a pending property dispute.
12. The material on record demonstrates precisely such a situation. The civil suit was instituted first. The subject matter of the civil suit and the subject matter of the criminal complaint are directly interconnected. The alleged incident occurred while the parties were asserting their respective claims over the property and the access road. Both sides thereafter lodged complaints arising from the very same occurrence. The criminal proceedings are therefore an extension of the existing civil dispute and not an independent criminal controversy.
13. The allegations in the complaint lodged by Sri.Pradeep Kumara B.S. also do not withstand



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scrutiny when tested against the medical material. It is alleged that Sri.P.D. Kumarappa assaulted Sri. Pradeep Kumara B.S. on his leg. It is further alleged that the wife of Sri.P.D. Kumarappa attempted to assault him with her slippers and that the mother of Sri.P.D. Kumarappa assaulted him with a stone.

14. The wound certificate, however, does not disclose any injury to the leg. The only injury recorded is an abrasion over the forearm, which has been classified as simple in nature. There is no medical evidence corresponding to the alleged assault on the leg.
15. Equally, there is no material on record demonstrating the alleged assault by the mother of Sri. P.D. Kumarappa with a stone. The complaint does not furnish any particulars as to where the alleged stone assault caused an injury, and the medical certificate does not record any injury which could be attributed to such an assault. The allegation of assault with a stone is therefore wholly unsupported by the medical record.
16. The medical evidence consequently does not corroborate the material allegations of assault made in the complaint. On the contrary, the medical record



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substantially contradicts the nature and extent of the assault alleged by Sri. Pradeep Kumara B.S.

17. The conduct of both parties also has to be viewed in this background. The incident was one occurrence arising out of a pre-existing property dispute. Each side has projected its own version of the occurrence and has sought to invoke the criminal process against the other. This demonstrates that the criminal proceedings are being employed as another means of contesting the dispute which the parties were already required to resolve before the Civil Court.
18. The fact that Sri.P.D.Kumarappa is a Police Constable also assumes significance in the context of the manner in which the subsequent proceedings came to be initiated. The contention that he used his position in the police department to set the criminal law in motion cannot, by itself, be accepted as establishing abuse of power. However, the record clearly establishes that he was himself involved in the very same incident and that a departmental enquiry was initiated. His lodging of a counter-complaint in respect of the same occurrence was



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therefore a consequence of the altercation between the parties and the rival versions of the incident.

19. More importantly, neither of the criminal complaints can be permitted to become a substitute for adjudication of the parties' civil rights. Whether there was encroachment, where the boundary lies, who is entitled to use the disputed road and whether either party obstructed the lawful enjoyment of the other's property are matters which fall for determination by the competent Civil Court on the basis of title documents, survey records and other relevant evidence.
20. The criminal process cannot be utilised for securing an indirect adjudication of those questions. Nor can an altercation arising out of such a dispute be converted into criminal proceedings merely because, during the confrontation, allegations of assault are subsequently incorporated in the complaints.
21. The cumulative effect of the material on record leaves no manner of doubt that the genesis of the entire dispute is civil. The civil litigation preceded the criminal complaints. The subject matter of the civil litigation directly concerns the property and access road in question. The incident dated 02.01.2025



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arose from that dispute. Both sides lodged complaints in respect of the same occurrence. The allegations of assault are not supported by the medical evidence in material particulars.

22. In these circumstances, the criminal proceedings constitute an abuse of the process of law. The criminal machinery cannot be permitted to be used as a weapon in a continuing dispute over property, boundaries and access. The parties must pursue their respective civil remedies before the competent Civil Court, where alone their competing rights can be conclusively determined.
23. It is accordingly held that the criminal proceedings arising out of the complaints lodged by Sri. Pradeep Kumara B.S. and Sri. P.D. Kumarappa are nothing but a criminalisation of a pre-existing civil dispute between the parties. The continuation of such proceedings would serve no legitimate criminal-law purpose and would amount to an abuse of the process of the Court.
24. In that view of the matter, this Court passes the following;



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ORDER

- i. The Crl.P.No.7159 of 2025 is ***allowed***.
- ii. The proceedings in CC No.601/2025 pending on the file of the Civil Judge and JMFC, Kadur, in respect of the petitioners are quashed.
- iii. The Crl.P.No.15779 of 2025 is ***allowed***.
- iv. The proceedings in CC.No.600/2025 arising out of Cr.No.6/2025 pending on the file of the Principal Civil Judge (Jr.Dn) and JMFC, Kadur, Chikkamagaluru District are quashed.
- v. Liberty is reserved to both the parties to approach the appropriate civil Court seeking for appropriate reliefs.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

SR
List No.: 1 Sl No.: 60