



CNR: KAHC010325312022

NC: 2026:KHC:53453
WP No. 14521 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.14521 OF 2022 (GM-RES)

BETWEEN:

1. MRS. NEETA RAJENDRAN
AGED ABOUT 48 YEARS
W/O RAJENDRAN M
2. MR RAJENDRAN M
AGED ABOUT 51 YEARS
S/O LATE MOHAN RAM
3. ADITYA RAJENDRAN
AGED 17 YEARS
S/O RAJENDRAN
SINCE MINOR REPRESENTED BY
HIS MOTHER NATURAL GUARDIAN
MRS NEETA RAJENDRAN,

ALL ARE R/AT NO.5
SAIKRUPA, 1ST A CROSS, 1ST STAGE
INDIRANGAR
BENGALURU -560 038

...PETITIONERS

(BY SRI PRABHUGOUDA B. TUMBIGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
HOME DEPARTMENT
VIDHANA SOUDHA
DR B R AMBEDKAR VEEDHI
BENGALURU 560001
REP. BY ITS PRINCIPAL SECRETARY

Digitally signed
by R
MANJUNATHA
Location: HIGH
COURT OF
KARNATAKA





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2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE
NRUPATHUNGA ROAD
BENGALURU 560001
3. THE COMMISSIONER OF POLICE
CUNNINGHAM ROAD
BENGALURU 560001
4. THE CIRCLE INSPECTOR
INDIRANAGARA POLICE STATION
BENGALURU 560032
5. SHARFUEEDIN
SUB - INSPECTOR OF POLICE
INDIRANAGAR POLICE STATION
INDIRANAGARA
BENGALURU - 560 032
6. SMT KAMINI DEVI
AGED ABOUT 56 YEARS
W/O MAHENDRAN
R/AT NO.5/1, 1ST A CROSS
MICHAL PALYA, INDIRANAGAR
BENGALURU - 560032

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER
FOR R1 TO R4;

R5, R6- SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482
CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE
PROCEEDINGS REGISTERED IN CRIME NO.86/2022
REGISTERED BY THE R-4 POLICE FOR THE OFFENCES
PUNISHABLE UNDER SECTIONS 506 READ WITH 34, 504, 323,
324 OF INDIAN PENAL CODE NOW THE CASE IS PENDING ON
THE FILE OF HON'BLE X ADDITIONAL CHIEF METROPOLITAN
MAGISTRATE, BENGALURU VIDE ANNEXURE-L, AS IT IS ABUSE
OF PROCESS OF LAW AND ETC.,



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THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Prabhugoud B. Tumbigi, learned counsel for the petitioners and Smt. Waheeda M.M., learned High Court Government Pleader.

2. In respect of an incident that occurred on 24.04.2022, a case and counter case came to be registered in Crime Nos.85/2022 and 86/2022. Petitioners are the accused in Crime No.86/2022 registered by Indiranagar Police Station, Halasur Sub Division, Bengaluru City. They have sought for the following relief in this petition.

"(i) To quash the proceedings registered in Crime No.86/2022 registered by the 4th respondent police for the offences punishable under Sections 506 read with 34, 504, 323, 324 of Indian Penal Code now the case is pending on the file of Hon'ble X Additional Chief Metropolitan Magistrate, Bengaluru, produced vide Annexure-L, as it is abuse of process of law, in the interest of justice and;



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(ii) to direct the respondent No.1 to 4 to hand over the investigation of the Crime No.85/2022 registered by the 5th respondent police for the offences punishable under Sections 504, 149, 323, 324 of Indian Penal Code against the 6th respondent and her family to the Higher Authorities like Assistant Commissioner of Police, COD, ACB, etc., for fair investigation produced vide Annexure-D, in the interest of justice."

3. In respect of a case and counter case, what are the requisite procedures to be followed by the Investigation Agency is no longer *res integra*.

4. A Full Bench of this Court in the case ***State of Karnataka, by circle Inspector of Police v. Hoskeri Ningappa and another*** reported in ***ILR 2012 KAR 509*** has laid down the guidelines in this regard.

"16. *To sum up, the procedure to be adopted in case and counter case is that the investigation should be conducted by the same Investigating Officer and the prosecution should be conducted by two different Public Prosecutors. The trial should be conducted by the same Court. After recording the evidence and after hearing the arguments, the judgment should be reserved in one case and thereafter the evidence should be recorded and the*



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arguments should be heard in the other case. It is needless to observe that the arguments in both the matters shall be heard by the same Learned Judge. The judgments should be pronounced by the same Judge simultaneously i.e., one after the other.

17. *If the Trial Court by not adopting the salutary procedure mentioned supra disposes of the case and the counter case on different dates acquitting the accused therein and no appeal is preferred in one of the cases and appeal is preferred in the case decided later, in our considered opinion, the proceedings in the later case are not vitiated. The Court cannot compel the State to file an appeal in any given case. It is left to the wisdom of the State to decide as to whether the judgment passed by the Court below needs to be questioned or not. If the State is satisfied about the judgment passed in one case it may choose not to file appeal in that case. However, the State may feel that in the other case (i.e., in the counter case), appeal may be necessary. In such an event, nobody can prevent the State from filing the appeal. If two cases arise out of the same incident and if two charge sheets are filed, two trials will be held. In a given case, the Trial Judge may choose to acquit the accused in both the cases or may choose to convict the accused in both the cases; the Trial Judge may even convict the accused in one case and acquit the accused in another case. The decision will depend upon facts and circumstances of each case. Merely because the appeal is not filed in one case and the appeal is filed in the other case, the proceedings will not get vitiated automatically in the later case. In our considered*



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opinion, in such a situation, the accused in such cases will have to show prejudice suffered by him. However, as a proposition of law, it cannot be laid down that the appeal filed in the second case by the State questioning the Judgment and Order of acquittal needs to be dismissed in limine on the ground that the proceedings in the later case is vitiated. It all depends upon facts and circumstances of individual case to be decided by the Appellate Court to see whether any prejudice is caused to the accused in not conducting the trial of the case and the cross case simultaneously."

5. Since the incident is one and the same, and two crimes are registered, the Investigation Agency is required to adhere to the guidelines enumerated in the aforesaid decision and file appropriate report.

6. If investigation is completed in respect of both the cases, necessary report shall be filed.

7. Parties are at liberty to seek necessary prayer before the jurisdictional Magistrate to follow the guidelines issued in the case of **Hoskeri Ningappa**, supra.



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8. Accordingly, the following:

ORDER

Petition ***dismissed.***

**Sd/-
(V SRISHANANDA)
JUDGE**

kcm
List No.: 2 SI No.: 5
CT:VRR