



CNR: KAHC010348612020

NC: 2026:KHC:55132
CRL.P No. 6638 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 5TH DAY OF OCTOBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE H.P.SANDESH
CRIMINAL PETITION NO.6638 OF 2020

BETWEEN:

1. VIJAYA KUMARI
W/O SANJEEVAIAH
AGED ABOUT 56 YEARS
R/AT DASAPPANAPALYA
3RD BLOCK,
KUDUR TOWN
MAGADI TALUK
RAMANAGARA DISTRICT - 562 159.

ALSO AT
R/AT 496/A, 5TH MAIN
11TH CROSS,
WCR NAGAPURA
MAHALAKSHMIPURAM
BANGALORE - 560 086.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

2. SANJEEVAIAH
S/O LATE HONNAPPA
ADVOCATE
AGED ABOUT 62 YEARS
R/AT 496/A, 5TH MAIN
11TH CROSS,
WCR NAGAPURA
MAHALAKSHMIPURAM
BANGALORE - 560 086.

...PETITIONERS

(BY SRI. N.K. KANTHARAJU, ADV.,)



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AND:

1. STATE OF KARNATAKA
BY KUDURU PS
REPTD BY SPP
HIGH COURT BUILDINGS
BENGALURU - 560 001.
2. YASHODAMMA
W/O LATE CHANNAPPA
AGED ABOUT 60 YEARS
R/AT DASAPPANA PLAYA
3RD BLOCK,
KUDUR TOWN
MAGADI TALUK
RAMANAGARA - 244 175.

...RESPONDENTS

(BY SRI. M. DIWAKAR MADDUR, HCGP FOR R1
R2 SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO
QUASH THE FURTHER PROCEEDINGS IN C.C.NO.1060/2020
ARISING OUT OF CR.NO.356/2019 BY KUDURU POLICE
STATION FOR THE ALLEGED OFFENCES P/U/S 143, 323, 324,
504, 506 R/W 149 OF IPC PENDING ON THE FILE OF
PRINCIPAL CIVIL JUDGE AND J.M.F.C., MAGADI.

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



CNR: KAHC010348612020

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioners and also the learned High Court Government Pleader appearing for respondent No.1-State.

2. This petition is filed praying this Court to quash the proceedings in C.C.No.1060/2020, arising out of Crime No.356/2019 registered by the Kudur Police for the offences punishable under Sections 143, 323, 324, 504, 506 read with Section 149 of IPC, pending on the file of Principal Civil Judge and JMFC, Magadi.

3. The factual matrix of the case of the prosecution is that on 25.12.2019 between 02:30 p.m. and 03:00 p.m. when the complainant CW2 was constructing a house in the vacant land, the accused persons by forming an unlawful assembly came and obstructed and also assaulted him, made him to fall on the ground, abused him in a filthy language, assaulted with bricks and also twisted the right hand of CW2 and the specific



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overt act allegation is made against accused Nos.1 to 7. The police have investigated the matter and filed the charge sheet.

4. Learned counsel for the petitioners would submit that these petitioners, who are accused Nos.4 and 5, were not there at the spot and they are the residents of Mahalakshmiipuram and only false case has been registered against them. Learned counsel would also submit that case and counter case is registered and that too, this complaint is filed after filing of the complaint by the petitioners' side and the continuation of the proceedings against these petitioners is nothing but an abuse of process.

5. Per contra, learned HCGP appearing for the respondent-State would submit that police investigated the matter and filed the charge sheet. The complainant and others have sustained injuries and even wound certificates are produced by the petitioners themselves which are relied upon before the Court which discloses that they have sustained simple injuries. Learned HCGP would also submit that there are



four eyewitnesses to the incident, who witnessed the incident and pacified the incident.

6. Having heard the learned counsel appealing for the petitioners and also the learned HCGP appearing for the respondent-State, learned counsel appearing for the petitioners also does not dispute the fact that case and counter cases are registered. Though learned counsel for the petitioners would contend that no specific overt act is against these petitioners, but specific allegations are against accused No.4 that accused Nos.3 and 4 twisted right hand of CW2 and inflicted injury on the body with their hands and so also specific allegation against accused Nos.5 and 6 that both of them assaulted with bricks on CWs2 and 3. The charge sheet material also discloses that the said incident is witnessed by CWs4, 5, 6 and 7 and when there are injuries and also the wound certificates, which are available before the Court, and even though said injuries are simple in nature, but this is a disputed fact. Whether these petitioners shared the common object along with other accused and inflicted the injuries is a matter of trial. This Court cannot accept the defence of the petitioners that they were not present



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CRL.P No. 6638 of 2020

at the spot when the specific allegations and overt act allegations are made against these petitioners. This Court cannot decide the issue of involvement and also the assault when there are eyewitnesses and also the statement of injured witnesses is against these petitioners, hence, it is a matter of trial.

7. In view of the discussions made above, I pass the following:

ORDER

Petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

BSR
List No.: 1 Sl No.: 27