



CNR: KAHC010358852019

NC: 2026:KHC:48249
CRL.P No. 1387 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.1387 OF 2019

BETWEEN:

1. PRAKASH RAO
S/O LATE NARAYANA RAO
AGED ABOUT 66 YEARS
R/AT NO.116/8
NEAR VENKATESHWARA TALKIES
MEERJHA ROAD, 8TH WARD
ANEKAL TOWN-562106
2. UDAY PAWAR
S/O PRAKASH RAO
AGED ABOUT 28 YEARS
R/AT NO.116/8
NEAR VENKATESHWARA TALKIES
MEERJHA ROAD, 8TH WARD
ANEKAL TOWN-562106
3. RAMESH
S/O RAMACHANDRA RAO
AGED ABOUT 48 YEARS
R/AT NO.104, 4TH CROSS
3RD MAIN ROAD
HANUMANTHANAGARA
BENGALURU-560019

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. NITHIN GOWDA K C, ADVOCATE FOR
SRI PRASANNA KUMAR P, ADVOCATE)



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AND:

1. STATE OF KARNATAKA
BY ANEKAL POLICE STATION
ANEKAL CIRCLE
REP. BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
DR B R AMBEDKAR VEEDHI
BENGALURU-560001
2. SMT. INDUMATHI R
W/O BABU RAO N
AGED MAJOR
R/AT IYAPPA NILAYA
NEAR VENKATESHWARA THEATRE
MEERJHA ROAD
ANEKAL TOWN-562106

...RESPONDENTS

(BY SRI MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI DILIP H D, ADVOCATE FOR
SRI KALIAN R, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING THIS COURT TO QUASH THE ORDER DATED 25.05.2018 PASSED BY THE LEARNED PRINCIPAL CIVIL JUDGE AND JMFC AT ANEKAL IN C.C.NO.807/2018 THEREBY TAKING COGNIZANCE AS AGAINST THE PETITIONERS HEREIN FOR OFFENCE P/U/S.504, 323, 354, 341, 506 R/W SEC.34 OF IPC AND ETC.

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

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



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ORAL ORDER

This petition is filed praying this Court to quash the order dated 25.05.2018 passed in C.C.No.807/2018 by the Principal Civil Judge and JMFC, Anekal thereby taking cognizance as against the petitioners herein for the offences punishable under Sections 504, 323, 354, 341, 506 read with Section 34 of IPC and allow the petition.

2. This matter is listed for admission. Heard the learned counsel appearing for the petitioner, the learned Additional SPP appearing for respondent No.1 and the learned counsel appearing for respondent No.2.

3. The counsel appearing for the petitioners would submit that there was a civil dispute between the petitioners and respondent No.2 in O.S.No.506/2012. According to the complainant, the alleged incident was taken place on 22.01.2018 at 09.30 a.m. But in the complaint, there is no averment with regard to assaulting of CW1/respondent No.2. The only allegation is that an attempt was made to assault her, but she escaped from the blow of the knife. When her husband



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was rushed to the spot, he was assaulted. The counsel would submit that but no wound certificate is produced to that effect. The counsel would vehemently contend that according to the complainant, witnesses came to the spot and pacified the galata and they have been cited as eyewitnesses as well as mahazar witnesses. But no material is placed to show that the complainant as well as her husband was subjected to assault. Thus, it is nothing but an attempt made to abuse the process by registering a false case against the petitioners only in view of civil dispute between the parties.

4. The learned Additional SPP appearing for the State would submit that no doubt, in the complaint, there was no mention with regard to the assault made to CW1, except an abuse. When her husband came out from the house, he was assaulted, but, admittedly, not collected any wound certificate to that effect.

5. The counsel appearing for respondent No.2/complainant would submit that there was a civil dispute between the parties in O.S.No.506/2012. But it is true that the very incident was taken place and an abuse was made by using



the filthy language against the complainant. When husband of the complainant rushed to the spot, he was assaulted. The counsel also submits that there was no document of wound certificate.

6. Having heard the learned counsel appearing for the respective parties and also considering the material on record as well as taking note of the contents of the complaint, it discloses that there is an improvement in the charge sheet since, in the complaint, there is no allegation that complainant was subjected to assault except using of filthy language but in the charge sheet, it is mentioned that the petitioners have assaulted on the head of complainant. It is also important to note that complaint was filed belatedly i.e., after 1½ day of the alleged incident since the incident has taken place on 22.01.2018 at 09.30 a.m. and complaint was filed on 23.01.2018 at 08.00 p.m. So also, with regard to ingredients to invoke the offence of Section 323 of IPC also, no wound certificate is produced before the Court and the same is not collected. This Court noticed that there was an improvement while filing the charge sheet and recording statement of eye



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witnesses since, in the complaint, no such statement is made that this incident was witnessed by the eye-witnesses. Having taken note of all these materials available before the Court, it discloses that it is a clear case of abuse of process in view of the civil dispute between the parties. The fact that there was a civil dispute between the parties is also not in dispute. When such being the case. it is a fit case to exercise the powers under Section 482 of Cr.P.C., since a false case was registered against the petitioners in view of the civil dispute between the parties and the same is nothing but an abuse of process.

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

ORDER

The petition is allowed.

The entire proceedings initiated against the petitioners in C.C.No.807/2018 are hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

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