



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 2929 OF 2019

BETWEEN:

1. S. YATHIRAJ
SON OF LATE S.SHIVALINGAPPA
AGED ABOUT 52 YEARS
R/AT NO 45, 1ST MAIN ROAD
MARUTHI EXTENSION
BENGALURU - 560 021.
2. PRADEEP V.S.
S/O V.S.SHYAMANNA
AGED ABOUT 31 YEARS
R/AT NO 119/2, 4TH 'A' CROSS
MAGADI MAIN ROAD
KAMAKSHIPALYA
BENGALURU - 560 079.

...PETITIONERS

(BY SRI M. SHASHIDHARA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY UPPARPET P.S.
BENGALURU - 560 009
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. VENKATAMUNISHETTI K
AGED ABOUT 45 YEARS
R/AT NO. 12
SRI VENKATESHWARA NILAYA



GOWDANAPALYA
BENGALURU - 560 061.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;
R2-SERVED & UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING THAT TO QUASH ANNEXURE-A THE FIR AND COMPLAINT REGISTERED IN CRIME NO.52/2019 OF 1st RESPONDENT POLICE FOR OFFENCES PUNISHABLE UNDER SECTION 323, 341, 427, 504 AND 506 OF INDIA PENAL CODE PENDING ON THE FILE OF THE V ADDITIONAL CHIEF METROPOLITAN MAGISTRATE COURT, BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging FIR in Crime No.52/2019 by Upparpet Police Station for offences punishable under Sections 323, 341, 427, 504 and 506 of Indian Penal Code, 1860 (for short 'IPC') pending on file of V Additional CMM Court, Bengaluru, this petition is filed.

2. Heard Sri M.Shashidhara, learned counsel for petitioners/accused and Smt.Sowmya R., learned HCGP for respondent no.1.



3. Learned counsel for petitioners submitted that petitioners were accused in complaint filed by respondent no.2 alleging that at 11.00 p.m., on 03.03.2019 while complainant was near Abhinay Theatre after completion of counting in election, accused S.Yathiraj along with his junior V.S.Pradeep suddenly stopped his car and assaulted by hitting him on his cheek and abusing in foul words on ground that he had not supported syndicate of accused. Complainant further states that he was threatened with harm to his life and would not be allowed to practice. Alleging that this was the third instance of assault and that accused had also damaged glass of car, complaint was filed.

4. Same was registered as impugned FIR for offences punishable under Sections 427, 506, 341, 323 and 504 of IPC. It was submitted that impugned complaint was not *bona fide* and fortnight earlier, an employee of Nyayamitra Sahakari Bank, had filed a complaint registered as Crime no.29/2019 by Ulsoor Gate Police Station for offences punishable under Sections 408 and 402 of IPC by complainant herein. As a counterblast and to wreck vengeance, present complaint was filed. It was further submitted that complaint contained vague



allegations without explanation as to how car could be stopped by two persons, whether it was possible for them to break glass and without any evidence to substantiate assault. It was submitted that complainant and accused both were practicing advocates and complaint was *mala fide* and liable to be quashed.

5. On other hand, learned HCGP for respondent-State opposed. It was submitted that in a petition under Section 482 of IPC challenging FIR, only scope for examination would be whether allegations in complaint constitute any offence. And since complaint contained allegations forming essential ingredients of offences, registration of FIR was justified and grounds urged were matters for investigation and trial.

6. Heard learned counsel and perused material on record.

7. This petition is by accused challenging registration of FIR. As rightly submitted scope for intelligence would depend mainly on whether complaint reveals any offence. A perusal of complaint reveals clear allegations that when complainant was proceeding in his car near Abhinay Theatre, Yethiraj-accused along with his junior Pradeep stopped car and hit complainant



on his cheek and abused him with foul words. Complaint also contains allegations that accused had threatened complainant for not supporting their syndicate in election to Managing Committee of Nyayamitra Sahakari Bank and therefore, they had threatened to take away life of complainant. There is also specific allegation of damage to Car glass. It is seen that FIR is registered for offences punishable under Sections 323, 341, 427, 504 and 506 of IPC.

8. Offence under Section 323 of IPC would arise when a person does any action with intention of causing hurt to another person. In instant case, allegation of accused and his junior hitting complainant on his right cheek would *prima facie* bear ingredients for said offence. Likewise, stopping car would amount to wrongful restraint and obstructing complainant from proceeding. *Prima facie*, even ingredients for offence under Section 341 exist. There is also clear allegation of damage caused to glass of car which would constitute ingredient for offence of causing damage to property worth more than Rs.50/- i.e. Section 427 of IPC. Indeed there would be some substance in contention that mere use of abusive words without intention to cause breach of peace would not constitute offence



under Section 504 of IPC. But in instant case, there is allegation of threat to life of complainant and prevent him from practicing with intention to cause harm. *Prima facie*, it would infer offence under Section 506 of IPC.

9. Merely on the ground that complainant herein was accused in another complaint unrelated to incident in question would not be a ground to view complaint averments in total suspicion or disbelief. Contention urged that allegations are without explanation or medical evidence etc. would be a matter for investigation and cannot be considered at this stage. Grounds urged are without merit.

10. Consequently, petition is **dismissed**, however reserving liberty to urge all contentions at appropriate stage.

Sd/-
(RAVI V HOSMANI)
JUDGE

MV
List No.: 1 Sl No.: 9