



CNR: KAHC010374512024

NC: 2026:KHC:48939
CRL.P No. 6652 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 6652 OF 2024

BETWEEN:

SRI. MADHUSHANKAR REDDY K.R.
S/O. LATE RAJASHEKAR REDDY
AGED ABOUT 28 YEARS
R/AT: KAMBHATANAHALLI VILLAGE
MANCHENAHALLI HOBLI
GOWRIBIDANUR TALUK
CHIKKABALALPURA DISTRICT.

...PETITIONER

(BY SRI. GANGADHARAI AH A.N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY MANCHENAHALLI POLICE STATION
CHIKKABALLAPURA DISTRICT
BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA-560001.
2. SRI. ARUN KUMAR B.V.
S/O VENKATESHAIAH B.N.
AGED ABOUT 40 YEARS
R/AT: CHIKKAJALA HOBLI,
BENGALURU NORTH TALUK, BENGALURU.

...RESPONDENTS

(BY SRI.MAHESH P. HCGP FOR R-1;
SRI.HARIKRISHNA K.A. ADVOCATE FOR R-2)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR FILED IN CR.NO.90/2024 DATED 11.05.2024 BY THE IST RESPONDENT, MANCHENAHALLI POLICE PENDING BEFORE ADDITIONAL DISTRICT AND SESSIONS COURT, CHIKKABALLAPUR, FOR THE OFFENCE PUNISHABLE UNDER SECTION 323, 504, 506, R/W 34 OF IPC UNDER SECTION 3(1) (r), 3(1)(s) OF SC/ST ACT (POA) IS PENDING BEFORE ABOVE COURT.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This criminal petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings in Spl.C.No.29/2024 arising of Crime No.90/2024 dated 11.05.2024 registered by Manchenalli Police Station, Chikkaballapur District, for the offences punishable under Sections 504, 506, 323 of IPC and Section 3(1)(r)(s) of SC & ST (Prevention of Atrocities) Amendment Act, 2015 currently pending on the file of Addl. District and Sessions Court, Chikkaballapur.

2. The factual matrix of the case is that respondent No.2 lodged a complaint before respondent No.1-Police on



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11.05.2024, alleging that, on 06.05.2024 at about 11:00 a.m., the petitioner trespassed into the property/layout of respondent No.2 and threatened him not to carry out any work in the layout, on the ground that this Court in a writ petition had directed that no compound wall be constructed. Subsequently, on 07.05.2024, respondent No.2 contacted the petitioner over the telephone and questioned him in this regard. At that time, the petitioner allegedly abused respondent No.2 in filthy language and also abused him by referring to his caste. Thereafter, on the same day, the petitioner allegedly trespassed into the complainant's layout, abused and assaulted him. Hence, respondent No.2 lodged the complaint before respondent No.1-Police on 11.05.2024. On the strength of the said complaint, respondent No.1-Police registered the crime as stated supra. Subsequently, the police conducted investigation and filed the charge-sheet against the petitioner for the aforementioned offences. Being aggrieved by the same, the petitioner has preferred the present petition seeking to quash the proceedings.



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3. Heard learned counsel for the petitioner and the learned HCGP. However, learned counsel for respondent No.2 remained absent.

4. Apart from urging several contentions, learned counsel for the petitioner primarily contended that a false complaint has been lodged by respondent No.2 in retaliation for the petitioner having filed a writ petition and civil suits against the parents of respondent No.2 in connection with the formation of a layout adjoining the petitioner's land. He further contended that, after this Court passed an interim order in W.P.No.10515/2024 on 19.04.2024, the present complaint was lodged only on 11.05.2024. There is also a delay of seven days in lodging the complaint. Even otherwise, the alleged incident did not taken place in a public place to attract the offence under the SC & ST (Prevention of Atrocities) Amendment Act, 2015. Hence, he prayed for quashing of the proceedings.

5. *Per contra*, the learned HCGP opposed the petition contending that the police have already filed the charge-sheet against the petitioner after recording the statements of the



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material witnesses, which disclose a *prima facie* case against the petitioner. Accordingly, he prayed for dismissal of the petition.

6. I have given my anxious consideration both on the submission and perused the entire materials available on record.

7. As could be gathered from records, respondent No.2 lodged the complaint on 11.05.2024 in respect of the alleged incidents dated 06.05.2024 and 07.05.2024. It is stated in the complaint that, in connection with the formation of a layout by the parents of respondent No.2, an altercation took place between the petitioner and respondent No.2. Thus, it is evident that there is a civil dispute between the parties in respect of the layout formed by the parents of respondent No.2.

8. The learned counsel for the petitioner submitted that the petitioner had filed O.S.No.117/2024 against the mother of respondent No.2 in February 2024, which is pending before the learned Additional Civil Judge, Gowribidanur. It is further submitted that this Court, in W.P.No.10515/2024, passed an



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interim order dated 19.04.2024, restraining further proceedings relating to the formation of the layout and directing the Tahsildar, Gowribidanur, to inspect the spot and submit a report before the Court. Subsequently, the said writ petition came to be allowed against the parents of respondent No.2 vide order dated 18.06.2024.

9. In such circumstances, it is apparent that complaint has been lodged by respondent No.2 out of vengeance against the petitioner. Further, as per the averments in the complaint itself, the alleged incident took place in the layout and not in a public place within public view. On this count also, the offence punishable under Section 3(1)(r) of the SC/ST Act is not attracted against the petitioner.

10. In such circumstances, the Hon'ble Apex Court, in *Mahmood Ali v. State of U.P.*, reported in (2023) 15 SCC 488, at paragraph Nos.11 to 14, held as under:

"11. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the



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FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. *We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.*

13. *In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*

14. *State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held :*



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(Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)

"5. ... Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless



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harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."

(emphasis supplied)

11. The aforesaid findings are squarely applicable to the facts and circumstances of the present case. The complaint appears to have been lodged against the petitioner by respondent No.2 out of vengeance. In such circumstances, even if the allegations made in the complaint are taken at their face value, no offence is made out against the petitioner. Therefore, continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The Criminal Petition is ***allowed***.
- ii. The proceedings in Spl.C.No.29/2024 arising out of Crime No.90/2024 dated 11.05.2024 registered by Manchenalli Police Station, Chikkaballapur District, for the offences punishable under Sections 504, 506, 323 of IPC and Section 3(1)(r)(s) of SC & ST



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(Prevention of Atrocities) Amendment Act,
2015, pending on the file of Addl. District and
Sessions Court, Chikkaballapur is hereby
quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 SI No.: 4