



CNR: KAHC010376712022

NC: 2026:KHC:40199
CRL.P No. 7889 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 7889 OF 2022

BETWEEN:

K.M.GURURAJ
S/O K GANGANNA
AGED ABOUT 53 YEARS
R/AT 35TH WARD
WEAVERS COLONY, HOSPETE
VIJAYANAGAR DISTRICT - 583 201.

...PETITIONER

[BY SRI ANIL R., ADVOCATE (PH)]

AND:

G.T.JAYARAMA RAJ URS
S/O PATEL THIMME GOWDA
AGED ABOUT 49 YEARS
R/O GAVANAHALLI VILLAGE
RAMPURA POST
CHIKKAMAGALURU TALUK
AND DISTRICT - 577 001.

...RESPONDENT

[BY SRI GOPALA C., ADVOCATE (AB)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN PCR.NO.614/2016 OF ALLEGED OFFENCES P/U/S 143,147,323,342,392,406, 420,423,504,506 R/W 149 OF IPC WHICH IS PENDING ON THE FILE OF THE II ADDL. CIVIL JUDGE AND JMFC, CHIKKAMAGALURU IN C.C.NO.395/2019 (CR.NO.15/2019).

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

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging entire proceedings in CC no.395/2019 on file of II Additional Civil Judge and JMFC, Chikkamagaluru, arising out of PCR no.614/2016 and leading to registration of Crime no.15/2019 for offences punishable under Sections 143, 147, 323, 342, 392, 406, 420, 423, 504, 506 read with Section 149 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Anil R, learned counsel for petitioner submitted that petitioner was accused no.1 in PCR no.614/2016 filed by respondent complainant alleging that at 09.30 a.m. on 29.12.2014, accused - petitioner along with others formed an unlawful assembly with common intention to harass complainant and others, abused them and confined them at Avishkar Souharda Co-operative Society office at Hospet, where they were assaulted, confined and forced to execute sale deeds in respect of immovable properties standing in their names situated at Chikkamagaluru, after forcibly taking away their mobile phones and other valuable belongings. It was submitted that on said private complaint, Magistrate referred matter for



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investigation by Basavanahalli Police Station. However, after investigation, police filed 'B' report on 09.06.2017. On 05.03.2019, learned Magistrate after recording sworn statements of complainant and others was pleased to reject 'B' report and took cognizance of offences against accused. Aggrieved by said order, accused no.2 to 14 filed Criminal Petition no.5174/2019 before this Court, which was allowed by order dated 14.02.2022 on ground that offence had taken place at Hospet, but private complaint filed at Chikkamagaluru would be without territorial jurisdiction. It was also stated that offences alleged were cognizable and non-bailable and without compliance with requirement of Sections 154(1) and 154(3) of CrPC, private complaint filed would not be maintainable. There was also delay of two years in filing complaint and appeared to be counter blast to charge sheet filed against complainants on a complaint filed by accused no.8 herein. It was submitted that each of said grounds would enure to all accused in petition. It was submitted, judgment in Crl.P. no.5174/2019 had attained finality and therefore sought for quashing of proceedings on very same grounds. A copy of judgment in Crl.P.no.5174/2019 is appended to petition.



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3. Though respondent is served, entered appearance and filed objections, assertion by learned counsel for petitioner that judgment in Crl.P.no.5174/2019 has attained finality is not controverted. This Court allowed petition on following grounds:

*"8. It is undisputed that the offences alleged against petitioners are cognizable and non-bailable. However, complainant without complying with the requirement of Section 154(1) and 154(3) of Cr.P.C has filed the complaint and the same is not maintainable as held by the Apex Court in **"Priyanka Srivastava and another Vs. State of Uttar Pradesh and others"**.*

9. The alleged incident has taken place at Hospet and the Private Complaint is filed at Chikkamagaluru. The learned Magistrate ignoring this aspect, registered the complaint against the petitioners and same is not sustainable in law for want of territorial jurisdiction.

10. The alleged incident has taken place in the year 2014 and the Private Complaint was lodged in the year 2016. However, no explanation is offered by the complainant for the delay in filing the complaint, which implies that the complaint filed so as to falsely implicate the petitioners and as a counter blast to the charge sheet filed against him for the offences punishable under Sections 406, 420, 408, 409 and Section 34 of IPC on the FIR lodged by the petitioner No.7 herein. The complaint filed by the 2nd respondent is with malice and without any probable cause."

4. Though in objections it is sought to be contended that said findings would be confined to accused no.2 to 14 and would not be available to accused no.1, there appears no justification for said contention. Reasoning would enure to all



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accused. Since said findings have attained finality, there would be no other go than to apply same to instant case as also.

5. Following judgment in Crl.P.no.5174/2019, petition is **allowed**, proceedings in proceedings in CC no.395/2019 on file of II Additional Civil Judge and JMFC, Chikkamagaluru, arising out of PCR no.614/2016 and leading to registration of Crime no.105/2019 for offences punishable under Sections 143, 147, 323, 342, 392, 406, 420, 423, 504, 506 read with Section 149 of IPC stand quashed.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 35