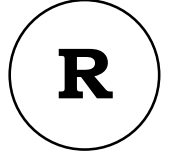


Reserved on : 17.08.2026
Pronounced on : 28.08.2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 8206 OF 2025

C/W

CRIMINAL PETITION NO. 8207 OF 2025

IN CRL.P No. 8206/2025

BETWEEN:

1. MANJUNATH
S/O LATE NARAYANASWAMY,
AGED ABOUT 40 YEARS,
RESIDING AT M/S.TRIDENT INFRA GROUP,
TVS ROAD, ATTIBELE HOBLI,
ANEKAL TALUK,
BENGALURU DISTRICT.
2. GOLLARA KRISHNAPPA
S/O SRI CHOWDAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT KRISHNADODDI VILLAGE,
MAHANTALINGAPURA,
KALLUBALU, JIGNI HOBLI,
ANEKAL TALUK,
BENGALURU DISTRICT.

Digitally signed
by PADMAVATHI
B K

Location: High
Court of
Karnataka

3. SEETHAMMA
W/O SRI GOLLARA KRISHNAPPA,
AGED ABOUT 41 YEARS,
RESIDING AT KRISHNADODDI VILLAGE,
MAHANTALINGAPURA,
KALLUBALU, JIGNI HOBLI,
ANEKAL TALUK,
BENGALURU DISTRICT.

...PETITIONERS

(BY SRI VIKRAM, ADVOCATE FOR SRI N.SATISH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY JIGANI POLICE STATION,
BENGALURU DISTRICT,
REPRESENTED THROUGH S.P.P.,
GOVERNMENT OF KARNATAKA,
HIGH COURT BUILDING
BENGALURU - 560 001.
2. SMT. M. UMA
W/O T.GURUMURTHY,
D/O LATE SRI C.MUNIYAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT NO.205/1,
6TH CROSS, KAVIKA LAYOUT,
DEEPANJALI NAGAR,
MYSORE ROAD,
BENGALURU - 560 026.

...RESPONDENTS

(BY SMT.WAHEEDA M.M., HCGP FOR R-1;
SRI K.SUBRAMANYAM, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.528 OF BNSS, PRAYING TO 1.QUASH THE FIR REGISTERED BY THE RESPONDENT NO.1 IN CR.NO.90/2025 S.C AND ST (POA) ACT, 1989 U/S 3(1)(r), 3(1)(s), 3(1)(T), 3(1)(a), 3(1)(za), OF BNS 2023 U/S 329, 351, 45 AT ANNEXURE-A ON THE BASIS OF THE PRIVATE COMPLAINT GIVEN BY THE RESPONDENT NO.2 AS PER ANNEXURE-B, PENDING ON THE FILE OF 2ND ADDL.DISTRICT AND SESSION COURT BENGALURU RURAL DISTRICT BENGALURU; 2.TO QUASH THE INTIMATION DATED 19.05.2025 ISSUED BY THE OFFICE OF THE HON'BLE SECOND ADDL.DISTRICT AND SESSIONS JUDGE BENGALURU RURAL DISTRICT BENGALURU TO THE RESPONDENT NO.1 DIRECTING IT TO INVESTIGATE AND SUBMIT A REPORT IN PCR NO.1/2025 AT ANNEXURE-D.

IN CRL.P NO. 8207/2025

BETWEEN:

1. AKHILESH K.M.,
S/O H.V.MURALIDHAR
AGED ABOUT 32 YEARS,
RESIDING AT NO.15/1
KANAKAPURA ROAD
BASAVANAGUDI
BENGALURU DISTRICT
BENGALURU - 560 004.
2. MURALIDHAR K.V.,
S/O LATE K.VENKATA RAO
AGED ABOUT 68 YEARS,

RESIDING AT NO.15/1
KANAKAPURA ROAD
BASAVANAGUDI
BENGALURU DISTRICT
BENGALURU - 560 004.

3. GOPAL K.V.,
S/O LATE K.VENKATA RAO
AGED ABOUT 63 YEARS,
RESIDING AT NO.15/4
KANAKAPURA ROAD
BASAVANAGUDI
BENGALURU DISTRICT
BENGALURU - 560 004.

4. ASHOK K.V.,
S/O LATE K.VENKATA RAO
AGED ABOUT 60 YEARS,
RESIDING AT NO.15/9
KANAKAPURA ROAD
BASAVANAGUDI
BENGALURU DISTRICT
BENGALURU - 560 004.

...PETITIONERS

(BY SRI VIKRAM, ADVOCATE FOR
SRI N.SATISH.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY JIGANI POLICE STATION,
BENGALURU DISTRICT
REPRESENTED THROUGH S.P.P

GOVERNMENT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU - 560 001.

2. SMT.M.UMA
W/O T.GURUMURTHY
D/O LATE SRI C.MUNIYAPPA
AGED ABOUT 50 YEARS
RESIDING AT NO.205/1, 6TH CROSS
KAVIKA LAYOUT,
DEEPANJALI NAGAR
MYSURU ROAD
BENGALURU - 560 026.

...RESPONDENTS

(BY SMT.WAHEEDA M.M., HCGP FOR R-1;
SRI K.SUBRAMANYAM, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 528 OF BNSS PRAYING TO
a) QUASH THE FIR REGISTERED BY THE RESPONDENT
NO.1 IN CR.NO.90/2025, SC AND ST (POA) ACT, 1989
U/SECTIONS 3(1)(r), 3(1)(s), 3(1)(T), 3(1)(a), 3(1)(za);
U/S 329, 351, 45 OF BNS, 2023, AT ANNEXURE-A, ON THE
BASIS OF THE PRIVATE COMPLAINT GIVEN BY THE
RESPONDENT NO.2 AS PER ANNEXURE-B, PENDING ON
THE FILE OF 2nd ADDL. DISTRICT AND SESSION COURT,
BANGALORE RURAL DISTRICT, BANGALORE; b) QUASH
THE INTIMATION DATED 19.05.2025 ISSUED BY THE
OFFICE OF THE HON'BLE 2nd ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU, TO THE RESPONDENT NO.1 DIRECTING IT TO
INVESTIGATE AND SUBMIT A REPORT IN PCR.NO.1/2025
AT ANNEXURE-D.

THESE PETITIONS, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

CAV ORDER

The petitioners in both these cases are accused in Crime No.90 of 2025. Criminal Petition No.8206 of 2025 is preferred by accused Nos.3, 4 and 5 and Criminal Petition No.8207 of 2025 is preferred by accused Nos.1, 6, 7 and 8. In all, petitioners - accused call in question registration of a crime in Crime No.90 of 2025, pending before the 2nd Additional District and Sessions Court, Bengaluru, for the offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(t), 3(1)(a) and 3(1)(za) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 329, 351 and 45 of the BNS. The complainant is respondent No.2 in both the petitions. It is, therefore, the two are taken up together and considered by this common order.

2. Heard Sri Vikram, learned counsel appearing for the petitioners; Smt. Waheeda M.M., learned High Court Government

Pleader appearing for respondent No.1 and Sri K. Subramanyam, learned counsel appearing for respondent No.2.

3. Facts, in brief, adumbrated are as follows: -

It is the case of the 2nd respondent/complainant that she belongs to Bhovi caste and her parental great grandfather was one Venkatappa, son of Thimmappa, who was cultivating the land in Sy.No.21 measuring 6 acres and 20 guntas in Mahalingapura Village, Jigani Hobli, Anekal Taluk, which according to the complainant was an inam land. It is further alleged that the Government had granted occupancy rights in INA case No.103 of 1957-58 under the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 to Venkatappa to an extent of 3 acres in the northern portion of the said survey number. The mutation entries are also said to have been changed in the name of Venkatappa. One Chowdappa, son of Venkatappa is the complainant's paternal grandfather.

3.1. It is the averment in the complaint that occupancy rights in the southern portion of the remaining 3 acres of land was

granted to Chowdappa. On the death of Chowdappa, his son C.Muniyappa has succeeded to the total extent of land. The complainant alleges that the land in the northern portion is the burial place of great grandfather Venkatappa and his wife Eramma and on the southern portion is the burial place of Chowdappa and Muniyappa. Accused Nos.6, 7 and 8 have got their names entered into revenue records with respect to total extent of land, notwithstanding the aforesaid circumstances. Based on the said plea, the complainant and her family members file a civil suit in O.S.No.1094 of 2016 seeking an injunction and secured an interim order of injunction restraining accused Nos.6, 7 and 8 from alienating the suit property. They also institute another suit in O.S.No.1052 of 2023, seeking a decree of declaration of their title over the land and that suits are still pending.

3.2. During the pendency of the suits, the 2nd respondent, sister of the 2nd respondent by name Leela and her sister-in-law Smt. Mamata and her children are said to have performed certain pooja on the samadhi of their great grandfather Venkatappa. It is alleged that the complainant and her sister have placed the stone

and performed pooja. It is further alleged that eucalyptus trees in the land were removed costing ₹70/- lakhs. Accused Nos.1 to 4 are said to have come near the complainant and her sister and have threatened them by raising their voice and hurled abuses taking the name of the caste of the complainant. On 03-01-2025, the complainant narrates that the complainant approaches SC and ST Protection Cell and requested it to act on her complaint. Further on lodging of complaint by the complainant, accused Nos.6, 7 and 8 and two sons of accused No.6 are said to have given an undertaking that they will obtain suitable orders from the civil Court and not interfere with the possession.

3.3. It is further alleged by the complainant that two sons of an accused visited the property along with the JCB and removed the Samadhis of Venkatappa and Eramma and have hurled abuses against the complainant and others. The complainant seeks to register a complaint before the Police. The Jigani Police by holding that it is a civil dispute between the parties, refused to register the complaint. It is then, the complainant knocks doors of the jurisdictional Court and registers a private complaint invoking

Section 223 of the BNSS. Pursuant to registration of the private complaint, the concerned Court refers the matter for investigation which then becomes a crime in Crime No.90 of 2025 for offences punishable under Sections 329, 351 and 45 of the BNS and Sections 3(1)(r), 3(1)(s), 3(1)(t), 3(1)(a) and 3(1)(za) of the Scheduled Castes and Scheduled Tribes (Prohibition of Atrocities) Act, 1989 ('the Act' for short). The registration of the crime has driven the petitioners to this Court in the subject petitions.

4. The learned counsel appearing for the petitioners would vehemently contend that pending civil dispute between the parties are projected to become the crime including the offences under the Act. The learned counsel for the petitioners would take this Court through the documents appended to the petitions to demonstrate that *ex-parte* interim injunction earlier granted in I.A.No.1 of 2016 in O.S.No.1094 of 2016, on appearance of the petitioners was not extended after 17-11-2021. The 2nd respondent files another application under Section 151 of the C.P.C. seeking extension of the order of injunction. The application was not filed immediately but on 15-01-2025. The petitioners who are the defendants in the said

case filed their objections. No order of extension of injunction is granted. Ancestors of the petitioners are said to have purchased the property long ago and petitioners' names are mutated by virtue of the compromise entered into before this Court in R.F.A.No.538 of 2006. He would submit that the revenue entries stand in the name of petitioners. The complainant and his sister are said to be the grand children of a grantee of the year 1958 for which, not a spec of document is produced. However, these are matters that are to be agitated before the civil Court.

4.1. Insofar as the present issue is concerned, the learned counsel would submit that there are no samadhis in the land and the petitioners are in possession of the land, not today but for more than 12 years. The allegations of the complainant do not make out even a *prima facie* ingredient of the offences as the land, which is actually not in dispute but, a dispute is generated by the complainant, is a closed area. It is neither a public place nor a place of public view. Therefore, the offences under the Act are not met. Insofar as the offences under the BNS are concerned, the petitioners being in possession of the property is not in dispute as

suits are pending seeking declaration of title. Therefore, the petitioners cannot be alleged to trespass into their own property. The learned counsel for the petitioners would seek quashment of entire proceedings.

5. *Per contra*, the learned counsel appearing for the 2nd respondent - complainant would reiterate the contents of the complaint and submits that the land belongs to the complainant. The samadhis that were there in the land are demolished by taking a JCB into the land by the accused. Therefore, the complainant had to register a complaint. In the civil suit an application was filed by the petitioners under Order VII Rule 11 of the CPC, which comes to be dismissed, dismissal of which is upheld by this Court in C.R.P.No.246 of 2024 and the matter is pending before the Apex Court. Therefore, he would submit that this crime must be permitted to be investigated into and not obliterated at its threshold now.

6. The learned High Court Government Pleader would also toe the lines of the learned counsel appearing for the complainant in

seeking continuation of investigation as it is interdicted by an order of stay at the hands of this Court.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts are a matter of records. They would not require any reiteration. The petitioners/accused being in possession of the property is discernible from the factum of the prayers narrated in the suits filed by the complainant and others. The prayer in the suit in O.S.No.1052 of 2023 is as follows:

"Wherefore, the plaintiffs most humbly pray to pass for a judgment and decree in favour of the plaintiffs and against the defendant by –

A. **Declaring that the plaintiffs are the absolute owners in possession having ownership over the plaint schedule property.**

ALTERNATIVELY

Declare that the plaintiffs are in settled possession of the plaint schedule property.

B. Declaring that the registered partition dated 8-04-2014 bearing No.BSG-1-00135/2014-15 stored in CD No.BSGD238 which is held between the defendants 1 to 7 is not binding on the plaintiffs insofar as the suit schedule property is concerned.

- C. **Granting permanent injunction restraining the defendants, their men, agents, power of attorney holders or anybody claiming through them from in any manner interfering with plaintiffs' peaceful possession and enjoyment of the plaint schedule property and granting such other and further relief/s as are just and necessary in the interest of justice.**

Schedule

All that peace and parcel of the agriculture wet land bearing Sy.No.21, measuring Ac.3-00 guntas out of the total extent of Ac.6.22 guntas situated at Mahanthalingapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District and bounded on

East by	:Lands in Sy.No.19,
West by	:Jigani Industrial Area to Harohalli Main Road,
North by	:Land in same Sy.No.21 granted to Venkatappa
South by	:20 feet road running in Sy.No.23."

Prior to filing of the aforementioned suit, another suit is preferred by the complainant and others in O.S.No.1094 of 2016, The prayer in the said suit is as follows:

"Wherefore, the plaintiffs most humbly pray to pass for a judgment and decree in favour of the plaintiffs and against the defendant by –

- A. **Declaring that the plaintiffs are the absolute owners in possession having right, title and interest over the plaint schedule property.**

- B. Declaring that the registered partition dated 8-04-2014 bearing No.BSG-1-00135/2014-15 stored in CD No.BSGD238 which is held between the defendants is not binding on the plaintiffs insofar as the suit schedule property is concerned.**
- C. Granting permanent injunction restraining the defendants, their men, agents, power of attorney holders or anybody claiming through them from in any manner interfering with plaintiffs' peaceful possession and enjoyment of the plaint schedule property and granting such other and further relief/s as are just and necessary in the interest of justice.**

Schedule

All that peace and parcel of the agriculture wet land bearing Sy.No.21, measuring Ac.3-00 guntas together with 05 guntas of Kharab land out of the total extent of Ac.6.12 guntas situated at Mahanthalingapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District and bounded on

East by	:Lands in Sy.No.16 & Sy.No.19
West by	:Jigani Industrial Area to Harohalli Main Road,
North by	:Land in Sy.No.20 belongs to K.V. Ananda Rao.
South by	:The remaining land in same Sy.No.21."

Initially, what was instituted in the year 2016 was a suit simpliciter seeking the relief of injunction. With the passage of time, the dispute assumed another avatar. A second suit came to be instituted seeking declaration of title and annulment of a sale deed of the year 2014. The said sale deed was not the one that

had sprung from nowhere; it had its genesis in a compromise entered into between the parties in R.F.A.538 of 2006 before this Court. Both the suits are even today pending adjudication before the competent civil Court.

9. A temporary injunction that had once enured to the benefit of the complainant did not travel beyond 17-11-2021. Four years thereafter, in the year 2025, an application comes to be preferred seeking extension of the said interim protection, which application is itself still engaging the attention of the concerned civil Court. In the interregnum, the petitioners invoked Order VII Rule 11 of the Code of Civil Procedure seeking rejection of the plaint in the earlier suit of the year 2016. The concerned Court declined to reject the plaint, observing that the controversy was one that required trial. The said order was carried before this Court and came to be affirmed. The matter has now travelled to the Apex Court in S.L.P.No.4536 of 2026, wherein the Apex Court, on 10-02-2026, has passed the following order:

“Upon hearing the counsel the Court made the following

O R D E R

1. Issue notice. Mr. Agam Sharma, learned AOR accepts notice on behalf of the respondents. Counter affidavit, if any, may be filed within four weeks and rejoinder affidavit, may be filed within two weeks thereafter.
2. List after six weeks.
3. **There shall be stay of further proceedings in O.S.No.1094 of 2016 pending before the Court of II Additional Senior Civil Judge, Anekal, Bengaluru."**

These facts are not narrated as an exercise in prolixity. They are noticed for a purpose, and the purpose is unmistakable. They prima facie demonstrate that the umbilical cord of the dispute between the parties is entirely civil. Title is yet to be declared; possession is seriously disputed; the competing rights of the parties are still at large before the competent civil Court. No imprimatur of a civil Court has yet descended declaring the complainant and others to be the owners of the property.

10. It is upon this very edifice of disputed title and contested possession that the complainant seeks to erect a criminal prosecution. The fulcrum of the civil proceedings is now sought to be transported into the criminal jurisdiction. Whether such transmutation of a civil dispute into a criminal prosecution is legally

permissible, and for what purpose the criminal law has been set into motion when the civil *lis* is still simmering before the competent *fora*, is what requires consideration. The complaint reads as follows:-

" "

Complaint filed by the Complainant under Sec 223 of the BNSS, 2023:-

1. The address of the complainant for the purposes of issue of service of court notices, summons, etc., from this Hon'ble court is as stated above. Similarly the address of the accused for the purposes of issue of service of court notices, summons, etc., from this Hon'ble court is as stated supra and it is sufficient.
2. The complainant is the resident of KAVIKA layout, Deepanjali Nagar, Mysore Road, Bengaluru and the complainant belongs to Bhovi caste. The complainant is a daily laborer. It is humbly submits that the agricultural land in Sy. No: 21, measuring 6 acres 22 guntas situated at Mahanthalingapura village, Jigani Hobli, Anekal Taluk was an inam land which was under cultivation of Venkatappa son of Thimmappa, who is the paternal great grandfather of the complainant. The Government granted occupancy rights in INA case No: 103/1957-58 under the Mysore (P & M) Inams Abolition Act to the above Venkatappa for an extent of 3 acres of northern portion of the above Sy. No: 21 of Mahanthalingapura village. The revenue mutation also held to his name in MR No: 113/1959-60.
3. The complainant further submits that one Chowdappa is the son of above Venkatappa and the said Chowdappa is complainant's paternal grandfather. He also got occupancy rights for the southern portion of the remaining 3 Acres of land in Sy. No: 21 of

Mahanthalingapura village, Jigani Hobli under section 9-A of the above the Mysore (P & M) Inams Abolition Act, dated 08/03/1961 in the very same INA case proceedings. After the death of Chowdappa, his son by name C. Muniyappa succeeded to the total extent and he also died on 26/11/2014. Later, complainant, her sister by name Leela and one Smt. Mamatha wife of complainant's deceased brother M. Srinivas and their family succeeded to the said lands. There are Samadhis/ burial place of complainant's great grandfather Venkatappa his wife Smt. Eeramma in the northern portion of the land in Sy No: 21 and the burial places of Chowdappa and Muniyappa in the southern portion of the land in Sy. No: 21 of Mahanthalingapura village.

4. The complainant further submits that one K.V. Muralidhar, K.V. Gopal and K.V. Ashok who are shown as the accused No: 6, 7 & 8 in the present complaint got revenue entries to their name relating to the total extent of land in Sy. No: 21 of Mahanthalingapura village, Jigani Hobli, Anekal Taluk. The complainant and other family members as referred in paragraph 3 of the complaint have filed a civil suit in O.S. No: 1094/2016 before the II Additional Senior Civil court at Anekal for declaration of their ownership in respect of land over which, the occupancy rights granted to Venkatappa and they have also obtained ad-interim order of injunction against the accused 6, 7 & 8 herein from alienation said case is still pending. Similarly, the complainant and others have also filed a civil suit in O. S. No: 1052/2023 before the II Additional Senior Civil court at Anekal for declaration of their title for the land over which, the occupancy rights conferred to Chowdappa and the suit is also pending.
5. The complainant humbly submits that on 01/01/2025 at about 12-30 PM the complainant, her sister by name Smt. Leela, sister-in-law Smt.Mamatha and her children went to the land in Sy. No: 21 of Mahanthalingapura village and performed the puja for samaadhis of their great grandfather Venkatappa and his wife Smt. Eeramma. At that time the complainant noticed that the accused as shown in the above have removed the **samadhis** stones and kept aside. The complainant and her sisters have

placed the stone and performed the puja. The complainant also noticed that taking advantage of the winter holidays for the civil courts, they have also cut and removed the valuable eucalyptus trees and uprooted the roots. They have taken away and shifted the wood material which is worth more than Rs. seventy lakhs to an undisclosed area. They have also high handedly put up four solar operated CC cameras in the land in sy. No: 21 of Mahanthalingapura. They have also dumped pre-casted compound wall material and started putting up compound wall on the southern side with the help of some of their workers. While the complainant and her family persons as shown above were performing pujas at the removed site, the accused 1 to 4 and some of their unlawful elements more than 4 persons came near to the complainant and her sister and in a high voice threatened them to go out of the land and thereby objected from performing the puja for the samadhis. At That time the complainant informed to them about the pending of the civil case and the interim orders granted by the court. The complainant objected them from putting any compound wall in the land.

6. Immediately the complainant on 03/01/2025 at 10-00 am approached the Sc/St Protection Cell, ADGP office, Bangalore and requested them to act on their complaint given. They immediately made a call to the Jigani Police station and enquired about the incidents. The above authorities have instructed the complainant to approach the Jigani Police station. Immediately, the complainant, her sister Smt. Leela, Smt. Mamatha and her children rushed to Jigani police station and gave the complaint. The police called the above persons on 03/01/2025 who came at about 12-30 pm to the police station. The accused No: 6, 7 & 8 viz. K.V. Muralidhar, K.V. Gopal and K.V. Ashok and the two sons of 6th accused gave oral undertaking to the police that they will obtain suitable orders from the civil court in one week and till then they will not enter into the land in Sy. No: 21 of Mahanthalingapura village. Later, the police have gave an endorsement to the complainant and sent them away.

7. While that be the fact, suspecting the criminal intention of the accused, again on the very same day i.e. on 03/01/2025 at about 01-30 PM the complainant, her sister Smt. Leela and her sister-in-law Smt. Mamatha and her two sons viz. Chethan & Nithin visited the land. At that time, the complainant noticed all the above noted accused 1 to 8 were present in the land in Sy. No: 21 of Mahanthalingapura village and with the help of dozers/JCB they have highhandedly removed the two **samaadhis'** (Venkatappa and Smt. Eeramma) and thrown the rubbish by the side of samadhis. When the complainant, her sister and sister-in-law questioned their high handed acts, the accused 1, 2 & 3 by name Akhilesh (Mobile No: 9880817433) and **Muralikrishna** and Manjunath (8884188826), claims to be the supervisor of accused 6 to 8 and the fourth accused by name **Gollara Krishnappa** with their henchmen by holding clubs, large knife (Machhu-long) came near to them and threatened to do away their life. They tried to manhandle the complainant and her sister-in-law Smt.Mamatha by abusing in filthy language. The above said Akhilesh (No: 9880817433), Gollara Krishnappa (9945469503) and his wife Seethamma (Mobile No: 9945469503) in a high voice by naming the caste of the complainant uttered in kannada language as "ಏನೇ ವಡ್ಡೆ ಮುಂಡೆಗಲಾ, ವಡ್ಡೆ ನನ್ನ ಮಕ್ಕಳಾ, ಜೆಸಿಬಿನ ನಿಮ್ಮಮೆಲೆ ಹತ್ತಿಸಿ, ಬೆಂಕಿ ಇಟ್ಟು ನಿಮ್ಮ ಅಜ್ಜನ ಸಮಾಧಿ ಪಕ್ಕದಲ್ಲೇ ಹೂತು ಹಾಕುತ್ತೇವೆ". They also threatened to do way the life of the complainant and her sister-in-law Smt. Mamatha. Krishnappa is an influential person in that area and his wife Smt. Seethamma is the panchayath chairman. All the accused and their men came in three cars i.e. a Maruti Brezza car bearing No: KA-51, MK-2336, Hundai car bearing No: KA-05, MU-8655 and another white colored INNOVA car. The accused No: 6, 7 & 8 were inside the car and instigating the other accused. The 8th accused i.e. K.V. Ashok came out of the car and pointing towards Smt. Leela and abused in a filthy language in high voice. At that time first accused i.e. Akhelesh insisted the complainant's sister Smt. Leela to speak with their advocate and thereby exerted pressure on the complainant's family to go for compromise otherwise they

will drag the civil cases for another fifteen years. The complainant and other members of her family refused for such proposal. Since the Jigani police Inspector issued NCR on the ground it is a case of civil nature, the complainant approached the Superintendent of Police for justice and also sent the complaint with all the documents by registered post.

8. The accused are seriously trying to put up compound wall on all sides and thereby trying to occupy the land belongs to the complainant. The complainant is weak having no backing in the village. Whereas the accused are highly influential persons and they are having huge backing of land mafia & unlawful elements. It is humbly submitted that the accused who are unconnected to the property belongs to the complainant have committed the offence. Thus all the accused conspired together with the active connivance of 4th accused have committed criminal trespass and high handedly removed the samadhis and caused huge damage to the property by cut and removing the eucalyptus trees existing in the land in Sy. No 21 of Mahanthalingapura village and thereby acting detrimental to complainant's personal right and liberty. All the accused joined together and are trying to falsify the records for wrongful gain.
9. Hence, the complainant constrained to file the complaint before this Hon'ble court for taking legal action against the accused.
10. Thus the accused have committed the offences punishable under sections section 3(1) (r), (s), (t) & (za) (A) of The Scheduled Castes and the Scheduled Tribes (PoA) Act, 1989 R/W section 329, 351 & 45 of the BNS, 2023 (Act No: 45 of 2023). Under the above circumstances the complainant constrained to file the present complaint and request this Hon'ble court to take action against all the accused and punish them as per law in the interest of justice.

Wherefore, the complainant most humbly prays that this Hon'ble court may be pleased to pass an order in favour of the complainant and against the accused by:-

- A) Recording the sworn statement of the complainant and her witnesses in the above case.
- B) Punish the accused for the offences under sec. section 3 (1) (r), (s), (t) & (za) (A) of The Scheduled Castes and the Scheduled Tribes (POA) Act, 1989, R/w section 329, 351 & 45 of the BNS, 2023 (Act No: 45 of 2023) and pass such other orders as are just and necessary in the interest of justice."

11. The incident forming the substratum of the complaint is said to have occurred on 01-01-2025. The complainant initially approached the jurisdictional Police, namely, Jigani Police Station. The Police, on examining the complaint, rendered a non-cognizable report, opining that the controversy was purely civil in nature and declined to register an FIR. Undeterred, the complainant took another route. A private complaint in P.C.R. No.1 of 2025 was preferred on 04-02-2025, a month after the alleged incident. The matter was then referred for investigation to the very same Police Station which had earlier found the dispute to be civil. The Police, left with little option after such reference, registered Crime No.90 of 2025 for the offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(t), 3(1)(a), 3(1)(za) of the Act and Sections 329, 251, 45 of the BNS.

THE OFFENCES PUNISHABLE UNDER THE BNS :

12. Section 329 of the BNS is the statutory successor to Sections 441 and 447 of the IPC. Criminal trespass, however, is not constituted by the mere act of stepping upon land over which rival claims are asserted. The entry must carry with it the statutorily ordained criminal intent. For an offence punishable under Section 447 of the IPC to arise, the ingredients engrafted in Section 441 of the IPC must necessarily coexist. Those very ingredients now find their statutory home in sub-sections (1), (2) and (3) of Section 329 of the BNS before punishment under sub-section (4) can be attracted. The provisions read as follows:

Section 447 of the IPC:

"447. Punishment for criminal trespass.—Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

Section 441 of the IPC:

441. Criminal trespass.—Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property,

or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass".

Section 329 of the BNS:

329. Criminal trespass and house-trespass.—(1) Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit an offence is said to commit criminal trespass.

(2) Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit house-trespass.

Explanation.—The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

(3) Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(4) Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both."

A bare reading of the provision would make the position pellucid. For the offence under Section 329 of the BNS to even

prima facie emerge, there must first be a trespass into property in the possession of another, accompanied by the criminal intent contemplated under the provision. Possession, therefore, is not a peripheral circumstance; it lies at the heart of the offence.

13. In the case at hand, the material on record, at least *prima facie*, depicts the petitioners to be in possession pursuant to a registered sale deed. Whether the said sale deed ultimately confers title upon them is a matter that is presently sub judice before the competent civil Court. Equally, the complainant is yet to secure a declaration that he is the owner of the property. The suit for declaration of title continues to remain pending.

14. In such circumstances, to allege that the petitioners have criminally trespassed into property which they themselves claim under a sale deed and of which they are *prima facie* in possession would be to place the proverbial cart before the horse. Criminal law cannot pronounce upon title before the civil Court does; nor can a disputed claim of possession, still awaiting civil adjudication,

be converted by the mere incantation of the word “trespass” into an offence under Section 329 of the BNS.

15. Therefore, the offence under Section 329 is not merely inadequately pleaded; it is loosely laid against the petitioners. Once the foundational allegation of criminal trespass itself falters, the consequential allegations under Section 351 or Section 45 of the BNS, dealing with criminal intimidation and abetment, cannot be made to stand in splendid isolation. They cannot survive after the very substratum upon which they are sought to rest disappears. Thus, the offences alleged under the BNS, on the material presently obtaining, are loosely laid.

THE ATROCITIES ACT:

16. What then remains are the offences alleged under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The petitioners are sought to be proceeded against for offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(t), 3(1)(a) and 3(1)(za) of the Act. They read as follows: -

"3. Punishments for offences of atrocities.— (1)
Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

- (a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;
... ..
- (r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
- (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;
- (t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;
... ..

- (za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—
 - (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage;
 - (B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;
 - (C) entering any place of worship which is open to the public or other persons professing the same

religion or taking part in, or taking out, any religious, social or cultural processions including jatras;

- (D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or
- (E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;"

The provisions being penal in character, their ingredients cannot be conjured up by conjecture, supplied by imagination or gathered from allegations which the complaint itself does not contain. Every offence must stand on the legs of its own statutory ingredients. Tested on that touchstone, the allegations in the case at hand present a curious picture.

17. Section 3(1)(a) punishes a person who puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or Scheduled Tribe, or forces such member to consume the same. Wherefrom this allegation has sprung is shrouded in mystery. The complaint does not whisper, much less allege, any act

remotely answering the ingredients of Section 3(1)(a). An offence cannot be summoned into existence merely by mentioning the number of a penal provision in the FIR. The allegation must exist first; the provision may follow. Here, the provision appears to have arrived without the allegation. Section 3(1)(a), therefore, is manifestly and loosely laid.

18. The next allegation is under Section 3(1)(r). The provision requires intentional insult or intimidation, with intent to humiliate a member of a Scheduled Caste or Scheduled Tribe, **in any place within public view**. The expression "within public view" is not ornamental phraseology employed by the Legislature. It constitutes an essential ingredient of the offence. The allegation in the complaint is that the incident occurred upon the very land which is the subject matter of the dispute between the petitioners and the complainant. Nothing in the complaint demonstrates that the alleged incident occurred at a place within public view. If that essential statutory ingredient is absent from the complaint itself, the offence cannot be permitted to be manufactured by inference.

19. Section 3(1)(s) of the Act sails in the same boat. It concerns abuse of a member of a Scheduled Caste or Scheduled Tribe by caste name in any place within public view. The ingredient of "public view" is equally indispensable. What is absent for Section 3(1)(r) of the Act cannot mysteriously become present for Section 3(1)(s) of the Act. Therefore, for the very reasons that render Section 3(1)(r) of the Act untenable at the threshold, the allegation under Section 3(1)(s) of the Act also cannot pass statutory muster.

20. Then comes Section 3(1)(t) of the Act. It criminalises destruction, damage or defilement of an object generally known to be held sacred or in high esteem by members of the Scheduled Castes or Scheduled Tribes. Here again, the allegation appears to travel farther than the complaint can carry it. The complainant is not even established to be in possession of the land; title itself awaits adjudication. In the teeth of such a pending civil controversy, the allegation of destruction by the petitioners assumes an even more tenuous character.

21. The complainant has produced certain photographs depicting herself and others performing pooja to a stone. But a

photograph of worship does not, by its own force, metamorphose a stone into a "samadhi", nor does it establish that the object is one generally known to be held sacred or in high esteem within the meaning of Section 3(1)(t). Wherefrom the description of the said stone as a "samadhi" emerges, even on the complainant's own material, remains wrapped in mystery. Criminal liability cannot rest upon such shifting sands.

22. The final allegation is under Section 3(1)(za) of the Act. The provision punishes obstruction or prevention of a member of a Scheduled Caste or Scheduled Tribe in the exercise of the rights enumerated therein. But the invocation of the provision in the peculiar facts of the case again runs headlong into the unresolved civil dispute. The complainant's title over the very property in question is yet to be declared. The suits concerning title and consequential rights are pending before the competent civil Court. Until those competing claims are adjudicated, criminal law cannot be employed as a surrogate civil Court to declare, by implication, that the property belongs to the complainant and that the petitioners have unlawfully obstructed its enjoyment.

23. What therefore emerges is unmistakable. A dispute born in the realm of civil law, nurtured for years before civil Courts, and presently awaiting adjudication even on the foundational questions of title and possession, is sought to be clothed in the garb of criminality. The criminal process cannot become a shortcut to a declaration that the civil Court has not yet granted. Nor can penal provisions be invoked as weapons of pressure in a contest where civil rights remain undecided.

24. The ingredients of the offences alleged under the BNS do not emerge from the material on record. The ingredients of the offences invoked under the Act fare no better. Some are bereft of foundational allegations; others stumble over indispensable statutory ingredients; yet others proceed upon an assumption of title and possession which the competent civil Court is itself yet to determine.

25. Therefore, on the facts obtaining in the case at hand, none of the offences alleged—either under the BNS or under the Act—are met even to their **semblance**. To permit the criminal proceedings to continue notwithstanding such glaring absence of

foundational ingredients would be to allow the solemn process of criminal law to become an instrument in aid of a civil contest, a course that the law can neither countenance nor permit.

26. Reference being made to the judgment of the Apex Court in the case of **HITESH VERMA v. STATE OF UTTARAKHAND**¹ assumes significance. The three Judge Bench of the Apex Court considers the entire spectrum of law and has held as follows:-

" "

11. It may be stated that the charge-sheet filed is for an offence under Section 3(1)(x) of the Act. The said section stands substituted by Act 1 of 2016 w.e.f. 26-1-2016. The substituted corresponding provision is Section 3(1)(r) which reads as under:

"3. (1)(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;"

12. The basic ingredients of the offence under Section 3(1)(r) of the Act can be classified as "(1) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe and (2) in any place within public view".

13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is

¹ (2020) 10 SCC 710

on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that Respondent 2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that Respondent 2 is a member of Scheduled Caste.

14. Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as *Swaran Singh v. State* [*Swaran Singh v. State*, (2008) 8 SCC 435: (2008) 3 SCC (Cri) 527]. The Court had drawn distinction between the expression "public place" and "in any place within public view". It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view (*sic*) [**Ed.** : This sentence appears to be contrary to what is stated below in the extract from *Swaran Singh*, (2008) 8 SCC 435, at p. 736d-e, and in the application of this principle in para 15, below: "Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view."] . The Court held as under: (SCC pp. 443-44, para 28)

"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a "chamar") when he stood near the car which was parked at the gate of the premises. In

our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, *and* also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies."

(emphasis in original)

15. As per the FIR, the allegations of abusing the informant were within the four walls of her building. It is not the case of the informant that there was any member of the public (not merely relatives or friends) at the time of the incident in the house. Therefore, the basic ingredient that the words were uttered "in any place within public view" is not made out. In the list of witnesses appended to the charge-sheet, certain witnesses are named but it could not be said that those were the persons present within the four walls of the building. The offence is alleged to have taken place within the four walls of the building. Therefore, in view of the judgment of this Court in *Swaran Singh* [*Swaran Singh v. State*, (2008) 8 SCC 435: (2008) 3 SCC (Cri) 527] , it cannot be said to be a place within public view as none was said to be present within the four walls of the building as per the FIR and/or charge-sheet.

16. There is a dispute about the possession of the land which is the subject-matter of civil dispute between the parties as per Respondent 2 herself. Due to dispute, the appellant and others were not permitting Respondent 2 to cultivate the land for the last six months. Since the

matter is regarding possession of property pending before the civil court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe.

17. In another judgment reported as *Khuman Singh v. State of M.P.* [*Khuman Singh v. State of M.P.*, (2020) 18 SCC 763; 2019 SCC OnLine SC 1104], **this Court held that in a case for applicability of Section 3(2)(v) of the Act, the fact that the deceased belonged to Scheduled Caste would not be enough to inflict enhanced punishment. This Court held that there was nothing to suggest that the offence was committed by the appellant only because the deceased belonged to Scheduled Caste. The Court held as under:**

"15. As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2)(v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to "Khangar" Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable."

18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.

19. This Court in a judgment reported as *Subhash Kashinath Mahajan v. State of Maharashtra* [*Subhash Kashinath Mahajan v. State of Maharashtra*, (2018) 6 SCC 454: (2018) 3 SCC (Cri) 124] issued certain directions in respect of investigations required to be conducted under the Act. In a review filed by the Union against the said judgment, this Court in a judgment reported as *Union of India v. State of Maharashtra* [*Union of India v. State of Maharashtra*, (2020) 4 SCC 761: (2020) 2 SCC (Cri) 686] reviewed the directions issued by this Court and held that if there is a false and unsubstantiated FIR, the proceedings under Section 482 of the Code can be invoked. The Court held as under: (*Union of India case* [*Union of India v. State of Maharashtra*, (2020) 4 SCC 761: (2020) 2 SCC (Cri) 686], SCC p. 797, para 52)

“52. There is no presumption that the members of the Scheduled Castes and Scheduled Tribes may misuse the provisions of law as a class and it is not resorted to by the members of the upper castes or the members of the elite class. For lodging a false report, it cannot be said that the caste of a person is the cause. It is due to the human failing and not due to the caste factor. Caste is not attributable to such an act. On the other hand, members of the Scheduled Castes and Scheduled Tribes due to backwardness hardly muster the courage to lodge even a first information report, much less, a false one. In case it is found to be false/unsubstantiated, it may be due to the faulty investigation or for other various reasons including human failings irrespective of caste factor. There may be certain cases which may be false that can be a ground for interference by the Court, but the law cannot be changed due to such misuse. In such a situation, it can be taken care of in proceeding under Section 482 CrPC.”

20. Later, while examining the constitutionality of the provisions of the amending Act (Central Act 27 of 2018), this Court in a judgment reported as *Prathvi Raj Chauhan v. Union of India* [*Prathvi Raj Chauhan v. Union of India*, (2020) 4 SCC 727: (2020) 2 SCC (Cri) 657] held that proceedings can be quashed under Section 482 of the Code. It was held as under: (SCC p. 751, para 12)

"12. The Court can, in exceptional cases, exercise power under Section 482 CrPC for quashing the cases to prevent misuse of provisions on settled parameters, as already observed while deciding the review petitions. The legal position is clear, and no argument to the contrary has been raised."

21. In *Gorige Pentaiah* [*Gorige Pentaiah v. State of A.P.*, (2008) 12 SCC 531: (2009) 1 SCC (Cri) 446], one of the arguments raised was non-disclosure of the caste of the accused but the facts were almost similar as there was civil dispute between parties pending and the allegation was that the accused has called abuses in the name of the caste of the victim. The High Court herein has misread the judgment of this Court in *Ashabai Machindra Adhagale* [*Ashabai Machindra Adhagale v. State of Maharashtra*, (2009) 3 SCC 789: (2009) 2 SCC (Cri) 20] as it was not a case about the caste of the victim but the fact that the accused was belonging to upper caste was not mentioned in the FIR. The High Court of Bombay had quashed the proceedings for the reason that the caste of the accused was not mentioned in the FIR, therefore, the offence under Section 3(1)(xi) of the Act is not made out. In an appeal against the decision of the Bombay High Court, this Court held that this will be the matter of investigation as to whether the accused either belongs to or does not belong to Scheduled Caste or Scheduled Tribe. Therefore, the High Court erred in law to dismiss the quashing petition relying upon later larger Bench judgment.

22. The appellant had sought quashing of the charge-sheet on the ground that the allegation does not make out an offence under the Act against the appellant merely because Respondent 2 was a Scheduled Caste since the property dispute was not on account of the fact that Respondent 2 was a Scheduled Caste. The property disputes between a vulnerable section of the society and a person of upper caste will not disclose any offence under the Act unless, the allegations are on account of the victim being a Scheduled Caste. Still further, the finding that the appellant was aware of the caste of the informant is wholly inconsequential as the knowledge does not bar any person to protect his rights by way of a procedure established by law.

23. This Court in a judgment reported as *Ishwar Pratap Singh v. State of U.P.* [*Ishwar Pratap Singh v. State of U.P.*, (2018) 13 SCC 612: (2018) 3 SCC (Cri) 818] **held that there is no prohibition under the law for quashing the charge-sheet in part. In a petition filed under Section 482 of the Code, the High Court is required to examine as to whether its intervention is required for prevention of abuse of process of law or otherwise to secure the ends of justice.** The Court held as under: (SCC p. 618, para 9)

"9. Having regard to the settled legal position on external interference in investigation and the specific facts of this case, we are of the view that the High Court ought to have exercised its jurisdiction under Section 482 CrPC to secure the ends of justice. There is no prohibition under law for quashing a charge-sheet in part. A person may be accused of several offences under different penal statutes, as in the instant case. He could be aggrieved of prosecution only on a particular charge or charges, on any ground available to him in law. Under Section 482, all that the High Court is required to examine is whether its intervention is required for implementing orders under the Criminal Procedure Code or for prevention of abuse of process, or otherwise to secure the ends of justice. A charge-sheet filed at the dictate of somebody other than the police would amount to abuse of the process of law and hence the High Court ought to have exercised its inherent powers under Section 482 to the extent of the abuse. There is no requirement that the charge-sheet has to be quashed as a whole and not in part. Accordingly, this appeal is allowed. The supplementary report filed by the police, at the direction of the Commission, is quashed.""

What unmistakably emerges from the judgment of the Apex Court in **HITESH VERMA** *supra* is that every dispute involving a member of a Scheduled Caste or Scheduled Tribe does not, by that circumstance alone, metamorphose into an offence under the

Atrocities Act. The sine qua non for invocation of Section 3(1)(r) is that the insult or intimidation must be actuated by an intention to humiliate the victim **on account of his or her caste**, and must further occur at a place **within public view**. Where the genesis of the altercation lies in a pre-existing dispute concerning title or possession of property, and the parties are already before the civil Court asserting rival proprietary rights, the necessary caste nexus cannot be presumed merely because one of the protagonists belongs to a Scheduled Caste or Scheduled Tribe.

27. The facts obtaining in the case at hand bear a striking resemblance to those before the Apex Court in **HITESH VERMA**. Here too, the parties are locked in civil litigation; two suits are pending; title to the property is yet to receive the imprimatur of the competent civil Court. If the very genesis of the alleged altercation is the disputed property and not the caste of the complainant, invocation of the provisions of the Atrocities Act would run contrary to the exposition of law in **HITESH VERMA**. A civil dispute cannot be permitted to acquire the complexion of a caste atrocity merely by reason of the caste identity of one of the disputants. The statute

undoubtedly affords stringent protection against caste-based indignity and humiliation; but its rigour is attracted only when the allegations cross the statutory threshold prescribed by the Act.

28. The Apex Court later in the case of **GUNJAN v. STATE (NCT OF DELHI)**² has held as follows:

"....

5.1 Sections 3(1)(r) and 3(1)(s) of the SC/ST Act read as under,

"3. Punishments for offences atrocities.— 3(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) to (q)

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;"

5.1.1 The offence under Section 3(1)(r) of the SC/ST Act can be said to have been committed when a person not belonging to Scheduled Caste or Scheduled Tribe intentionally insults or intimidates with an intent to humiliate a person belonging to Scheduled Caste or Scheduled Tribe in any place within public view. Offence under Section 3(1)(s) of the SC/ST Act is made out when any member of the Scheduled Caste or

² 2026 SCC OnLine SC 834

Scheduled Tribe is abused by caste name in any place within public view.

5.2 The ingredients of the offences are that there has to be an intentional insult or intimidation which has to be with an intent to humiliate a member of Scheduled Caste or Scheduled Tribe or that such member of Scheduled Caste or Scheduled Tribe is abused by caste name by a person who does not belong to Scheduled Caste or Scheduled Tribe. The common essential for constituting the offence under both the Sections is that the insult or intimidation under sub-clause (r) or hurling of abuses under sub-clause (s) have taken place "in any place within public view".

5.3 All the appellants are framed for the offence under Section 506 read with Section 34, IPC. Section 506, IPC is about punishment for the offence of criminal intimidation whereas the offence of criminal intimidation is defined in Section 503, IPC. It says that whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, and when the same is done with an intent to cause alarm to that person, commits criminal intimidation. Section 34, IPC speaks about the acts done by several persons in furtherance of common intention.

5.4 Before examining the sustainability of the charge framed and the charge-sheet for its details and contents in respect of the aforesaid offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, it would be useful to survey few decisions of this Court which have explained the scope and purport of the phrase "in any place within public view" pinpointing that the said requirement is indispensable to be fulfilled in order that the offence under the SC/ST Act is constituted.

5.5 In *Swaran Singh v. State through Standing Counsel*⁷, the place where the informant was insulted by the appellant by calling him "chamar" was one where he had been standing near the car which was parked at the gate of the premises of his employer. This Court held that such place was "a place within public view". The argument that the alleged act was not committed in a public place and hence did not come within the purview

of the offence under the SC/ST Act was negated by explaining a fine distinction between the expression "in any place within public view" as used in the provision and the expression "public place".

5.5.1 It was stated that the expression "a place within public view" could not be confused with the expression "public place". It was highlighted that a place can be a private place yet can be within public view,

"....It could have been a different matter had the alleged offence been committed inside a building, *and* also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view...."

(para 28)

5.6 *Swaran Singh* (supra) came to be relied on by this Court in *Hitesh Verma v. State of Uttarakhand* in respect of the concept of "place within public view" as an ingredient of the offence. The very observations in *Swaran Singh* (supra) were reiterated in para 14 in *Hitesh Verma* (supra) when the Court noticed the allegations in the FIR about abusing the informant. **It was stated in the FIR that the incident of abuse happened within the four walls of the building of the informant, and it was not the case of the informant that any member of the public was present at the time of the incident in the house. The Court, therefore, ruled that the basic requirement that the abusive words were uttered in "a place within public view" was not made out. It was further noticed that witnesses whose names were appended to the chargesheet were not the persons present within the four walls of the building.**

5.7 In a more recent decision in *Karuppudayar v. State represented by the Deputy Superintendent of Police, Lalgudi Trichy*, this Court considered its own decisions in *Swaran*

Singh (supra) as well as *Hitesh Verma* (supra), and elucidated an ironed-out proposition of law as under,

"It could thus be seen that, to be a place 'within public view', the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view."

(para 11)

5.7.1 The Court observed that even by taking the allegations in the FIR at their face value, what was alleged was that when the complainant was in the office, the accused came there, made inquiries from the complainant and upon not being satisfied, started abusing the complainant in the name of his caste and insulted him. Thereafter, three colleagues of the complainant came later to pacify the accused and took him away. **The Court thus noticed that the incident had taken place within the four corners of the chambers of the complainant, which was not "a place within public view".**

5.8 A decision of the Karnataka High Court in *Sri Rithesh Pais v. State of Karnataka, by Puttur Town P.S.* may also be noticed to be relevant, **in which the offence was held to be not made out as the chargesheet material showed that the hurling of the abuses had happened in the basement and within the walls of the basement, holding that the basement of the building was not "a place within public view".**

5.9 A conclusive statement of law that emanates from the *ratio* of the decisions of this Court discussed above is that in order to make out the offence under Section 3(1)(r) and/or Section 3(1)(s) of the SC/ST Act, the occurrence of the incident and the act and conduct of hurling of caste-based abuses must take place at "a place within public view". **It must be a place within the public gaze. Even happens to be a private place, then in such eventuality a public-eye must have an access to be able to notice what happens there or what is**

taking place that will only make the "place within public view".

6. Having appreciated the aspect that the requirement that the occurrence of the incident of insult or abuse, towards the member of the Scheduled Caste or Scheduled Tribe has to be in "a place within public view", making the same a necessary condition for constituting the offence under the SC/ST Act, the facts in the present case may be attentively noticed.

6.1 In the FIR, while referring to the incident of abuse, on 28-1-2021, the statements were made by Respondent 2-complainant that the appellants were in the habit of harassing and hurling caste-based slurs at him for over a year and that they used to do it when some other persons or friends come to meet him, by using the abusive words from their balcony or at the ground floor of the house.

6.2 These allegations about the alleged continuous conduct did not speak of any specific instance or happening on a particular day and they are too irrelevant to contribute to make out an offence under Section 3(1)(r) or Section 3(1)(s) of the SC/ST Act. It was next stated that because of such behaviour of the appellants, Respondent 1-complainant had to send his son in a separate house. Such general accusations lead nowhere when it comes to allegation about the commission of offence.

6.3 As per the averments in the FIR, on the relevant date that is on 28-1-2021, the altercation occurred at the time when the appellants were trying to break open the house of Respondent 2-complainant. According to Respondent 2-complainant, Appellant 1 hurled casteist slur in an abusive way to insult him and his wife. All the appellants-accused, it was further alleged, intimidated Respondent 2-complainant and also threatened to implicate him in molestation charge.

6.4 It was noticeable that in the complaint/FIR, nowhere it was stated that the said incident wherein Appellant 1 and other appellants are stated to have abused and threatened Respondent 1-complainant, took place where there was a public gaze. The necessary ingredient of occurrence of the incident "in a place within public view" was conspicuously absent.

6.5 Not only that it was not stated that it was "a place within public view" or that the outsiders or the members of the family were present at the time, the details mentioned in the FIR clearly indicated that the place of occurrence of the incident was inside the residential house. Referring to the facts stated and the contents of FIR in this regard, firstly the FIR is silent about the place of occurrence of the alleged incident. Secondly, point No. 5(b) in the FIR mentioned the place of occurrence at the address stated as "7/38, Ramesh Nagar, New Delhi", which was admittedly a residential home. Similarly was recorded the address of Respondent 2-complainant in point No. 6(e) in the FIR to reinforce that it was the place of residential house where the occurrence took place. Thirdly, in the charge-sheet filed before the court, the very residential address "7/38, Ramesh Nagar, Kirti Nagar, Delhi" was mentioned to suggest the place of occurrence.

6.6 Respondent 2-complainant named two witnesses, one Love Manchanda and another named Chandra Prakash. Not only that both were the friends of Respondent 2-complainant, from their statements, nothing could be elicited to show that they witnessed the incident. Love Manchanda stated that "on 28-12-2020, Bhim Sain (complainant) asked me to accompany him to his house where he wanted to take a picture of the locked lock of his house". In his statement, Chandra Prakash stated that "he went to the house at Ramesh Nagar with the complainant Bhim Sain and when he wanted to open the lock of his house, the accused interjected".

6.7 All material facts go to suggest that the alleged incident took place in a private place and within four walls of the house of Respondent 2-complainant and the appellants, who all are family members. While the allegation in the FIR was, as stated, that Respondent 2-complainant had been suffering similar kind of incidents since long and for last one year, it was not stated anything specific in respect of those earlier incidents with regard to the incident for which the complaint was filed, it was not indicated that any independent member of public was present to witness the occurrence. Once that

is so, to suggest that the house place was not exposed to public eye or public gaze, a residential house in no way becomes "a place within public view".

7. For any criminal proceedings to initiate, the starting point is filing of a complaint and registration of FIR. The complaint/FIR provides the first account of the happening of events and incidents alleged as commission of offence. A reaction and revelation at the first blush is always natural and therefore becomes creditworthy. The contents of the complaint giving the initial and primary description could be treated as more reliable, for, at the subsequent stage, there would be a scope and room for improvisation.

8. In *State of Haryana v. Bhajan Lal*, this Court laid down the acid test that if the contents of the FIR, taken at their face value, do not make out any case against the accused, such a FIR registered with ulterior motive deserves to be quashed. In *Hitesh Verma* (supra), **in addition to the ingredient of "a place within public view", the details in the FIR or the charge-sheet failed to disclose the precise contents of abusive language employed by the applicant to attract the offence under the SC/ST Act. In other words, when the essentials to constitute the offence did not come out from and were not satisfied in the contents of the FIR, the offence was held to have not been made out, rendering the FIR liable to be quashed.**

8.1 In *Amar Nath Jha v. Nand Kishore Singh*, this Court noted that the defect in the FIR was in the nature of non-mentioning of the name of material witness PW 1 which was treated as a basic defect in the hypothesis portrayed by the prosecution. **The Court, in that context, observed, "although we accept that the FIR need not be an encyclopaedia of the crime, but absence of certain essential facts which are conspicuously missing in the present FIR, point towards suspicion that the crime itself may have been staged".**

8.2 Also in *Ramesh Chandra Vaishya v. State of Uttar Pradesh*, this Court found absence of requisite ingredients of the offence under the SC/ST Act holding that the offence was not committed at "a place within public view". It was observed that

even though the appellant in that case might have abused the complainant, but such abuse by itself and without anything more does not warrant subjecting the appellant to face a trial, particularly in view of the clear absence of the ingredients necessary to constitute the offence.

9. Thus, it is trite principle that the FIR becomes liable in law to be quashed when it, in its bare reading, does not disclose the necessary ingredients to constitute the offence alleged therein. The basic constituents of the offence alleged in the FIR must stem and stand disclosed from the contents of the FIR. In order that the FIR alleging any action is sustainable in law to be a good and acceptable document to proceed criminally against any accused named therein or any person to be made accused on its basis, it must manifest and reveal basic ingredient of the offence(s) alleged therein. For an offence to be made out under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, as is the question in the instant case, the requirement that the occurrence has to be "in a place within public view" is not satisfied, is missing and absent.

9.1 It could be said that the occurrence of the incident to become an offence under the SC/ST Act must have happened "in a place within public view", is in a way, a principal requirement amongst the other ingredients. The other aspects, namely, "intentional insult or intimidation" and "an intent to humiliate", gathers a kind of intensity when the insult, intimidation, humiliation or abusive utterances, as the case may be, takes place in "a place within public view", in the presence of members of the public. The requirement that the place must be one "within public view" can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a *sine qua non* for making out the offence under the SC/ST Act.

10. This leaves the Court to the charge framed under Section 506 read with Section 34, IPC against all the appellants. As noted hereinabove, the offence of criminal intimidation as defined under Section 503, IPC and made punishable under Section 506, IPC requires that whoever threatens another with

any injury to his person, reputation or property and when such threat is with the intent to cause alarm to that person, commits criminal intimidation. **The "intent to cause alarm" is a pivotal aspect and consideration to judge whether the offence of criminal intimidation is made out or not.**

10.1 In the present case, even after closely reading the averments in the complaint, **it is difficult to come to the conclusion that the appellants-accused exerted threat with an intent to cause "alarm" to Respondent 2-complainant. The submission could be countenanced that the element of "alarm" to the complainant was "absent". Even otherwise, the offence under Section 506, IPC was alleged against the appellants to conjunct the same with the offence alleged under the SC/ST Act which are not made out.**

10.2 As far as the charge under Section 34, IPC is concerned, nothing is suggested either from the facts or attendant circumstances that the appellants-accused had any common intention to do a criminal act and that they acted in furtherance of such common intention. In that view, it would be an abuse of the process of law and would amount to harassment to the appellants to subject them to the criminal proceedings in relation to Section 506 read with Section 34, IPC."

If the facts obtaining in the case at hand are tested on the bedrock of the elucidation of law by the Apex Court, what would unmistakably emerge is that the subject complaint is nothing but an instrument employed to wreak vengeance against the petitioners, or, at any rate, a counter-blast to the stand taken by the defendants/petitioners in the pending civil suits. The temporary injunction once granted in favour of the complainant has admittedly

not been extended, and the competing claims of title and possession are yet to receive the imprimatur of the competent civil Court. It is in the interregnum that the complainant seeks to shift the theatre of contest from the civil Court to the criminal Court.

29. The genesis of the dispute, its substratum and its entire fulcrum are unmistakably shrouded in the colours of civil law. A dispute that was born in the civil Court and continues to breathe there cannot, by a mere sleight of allegations, be given the garb of criminality and transported into the precincts of criminal law. Criminal law cannot be permitted to become a weapon of reprisal, much less a lever to secure an advantage which the complainant has thus far been unable to secure before the civil Court. Such employment of the criminal process, as a pressure tactic in a festering civil dispute, is an abuse of the process of law. The law cannot countenance it; this Court cannot lend its imprimatur to it.

30. The complaint so registered is replete with embellishments, apparently employed to lend a criminal complexion to a dispute which, at its core, bears an unmistakable civil flavour. It is in circumstances of this nature that the exposition of law by the Apex Court in **MAHMOOD ALI v. STATE OF UTTAR PRADESH**³ assumes significance. The Apex Court holds as follows:

" "

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 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.

³ 2023 SCC OnLine SC 950

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 a FIR. The Court held: (*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 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)

15. In the result, this appeal succeeds and is hereby allowed. The impugned order [*Mahmood Ali v. State of U.P.*, 2022 SCC OnLine All 2568] passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 4-6-2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed.”

The Apex Court cautions that a Court exercising jurisdiction under Section 482 of the Cr.P.C ought not to be bogged down by, or remain a mute spectator to, the mere recitals in the complaint. The Court is required to travel beyond the façade of the allegations and look into the attending circumstances, the antecedents of the dispute and the events that preceded the registration of the crime, so as to discern whether the criminal law has genuinely been invoked for redressal of a criminal wrong or has been set into motion as an instrument of vengeance, retaliation or a counter-blast to an earlier proceeding.

31. The exercise, therefore, cannot be one of mechanically accepting every allegation in the complaint as gospel truth,

divorced from the backdrop in which it has emerged. Where the chronology of events, the pre-existing disputes between the parties and the attendant circumstances reveal that **the criminal proceedings are merely the latest weapon drawn from the armoury of a disgruntled litigant, the Court exercising jurisdiction under Section 528 of BNSS / Section 482 of Cr.P.C. cannot shut its eyes to such realities. It must lift the veil of embellishment, look behind the complaint and ascertain whether what is projected as a prosecution for an offence is, in substance, prosecution for a purpose alien to criminal law.** It is this judicial scrutiny that **MAHMOOD ALI** *supra* commands, lest the criminal process itself become an instrument for wreaking private vengeance.

32. The Apex Court followed the judgment in the case of **STATE OF HARYANA v. BHAJAN LAL**⁴ wherein it is held as follows:

" "

⁴**1992 Supp (1) SCC 335**

102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.**
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a**

just conclusion that there is sufficient ground for proceeding against the accused.

- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

(Emphasis supplied at each instance)

In the light of the exposition of law by the Apex Court in **MAHMOOD ALI** and **BHAJAN LAL**, and on the bedrock of the preceding analysis, permitting further investigation in the case at hand would be nothing but permitting an abuse of the process of law to run its course. **It would, in effect, place a premium upon the conduct of the complainant in setting the criminal law into motion, not for vindication of any genuine criminal wrong, but as an instrument to wreak vengeance upon the petitioners or as a counter-blast to the proceedings pending between the parties in the civil *fora*.**

33. The criminal process cannot be permitted to become a weapon in the hands of a disgruntled litigant to settle scores emanating from a civil dispute. If an investigation, whose very genesis is tainted by vengeance and whose substratum does not disclose the ingredients of the offences alleged, is nevertheless permitted to continue, the process itself would become the punishment. What begins as an abuse of criminal law would then receive the imprimatur of the Court by its refusal to interdict it. Such a course would not merely perpetuate an abuse of process, but would inevitably result in miscarriage of justice. Therefore, this is a fit case where the hands of criminal law must be halted at the threshold, lest its solemn process be reduced to an instrument of private vendetta.

34. For the following reasons, the following:

ORDER

- (i) Criminal petitions are allowed.
- (ii) FIR in Crime No.90 of 2025 of Jigani Police Station and pending before the 2nd Additional District & Sessions

Judge, Bengaluru Rural District, impugned in both the petitions, stands quashed.

- (iii) It is made clear that the observations made in the course of the order are for the purpose of consideration of the case of the petitioners under Section 528 of the BNSS and the same would not bind or influence or become applicable to any other proceeding pending between the parties.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

NVJ
CT:MJ