



CNR: KAHC010405382022

NC: 2026:KHC:37097
CRL.P No. 8767 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 8767 OF 2022

BETWEEN:

SRI BEGURIAIAH @ RAMESHA
S/O LATE KARITHIMMAIAH
AGED ABOUT 62 YEARS
R/A K.T. PALYA VILLAGE,
KUNIGAL TALUK,
TUMAKURU - 572 111.

...PETITIONER

(BY SRI BHARAT KUMAR, ADVOCATE FOR
SRI N. DEVARAJ, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP BY AMRUTHURU POLICE STATION
REP BY PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BANGALORE - 560 001.
2. SMT. LAKSHMAMMA,
W/O SRI SURESHA
AGED ABOUT 45 YEARS
R/A K.T. PALYA VILLAGE,
AMRUTHURU HOBLI,
KUNIGAL TALUK - 572 111.

...RESPONDENTS

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

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



CNR: KAHC010405382022

NC: 2026:KHC:37097
CRL.P No. 8767 of 2022

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS IN C.C.NO.10691/2021 FILED BY THE AMRUTHURU POLICE STATION, PENDING BEFORE THE ADDITIONAL CIVIL JUDGE AND JMFC., KUNIGAL FOR THE OFFENCE P/U/S 323, 324, 447, 448, 427, 354(b), 504, 506 R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging entire proceedings in CC no.10961/2021 on file of Addl. Civil Judge and JMFC, Kunigal for offences punishable under Sections 323, 324, 447, 448, 427, 354(B), 504, 506 read with Section 34 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Bharath Kumar, learned counsel appearing for Sri N. Devaraj, advocate for petitioner submitted that petitioner was accused no.1 in complaint filed by respondent no.2



CNR: KAHC010405382022

(**complainant**) alleging that even before partition of immovable properties of her deceased father-in-law Late Karithimmaiah, on 26.09.2021, accused no.1 illegally began constructing house on land bearing Sy.no.51 of KT Palya village. Around 12:45 p.m., complainant, her husband Suresh and son Madhukumar went there and requested accused no.1 to halt construction until partition and returned home. But at 3:00 pm, accused no.1 along with his sons Vishal Srinivas @ Srinivasa (accused no.2) and Girish (accused no.3), daughters - Hemavati @ Hemalata (accused no.4) and Nethravati (accused no.5) and son-in-law Kumaraswamy (accused no.6), formed an unlawful assembly, trespassed into complainant's house and abused them in filthy language and threatened to kill complainant if she opposed construction. At that time, accused no.1 to 3 and 6 assaulted complainant and outraged her modesty by pulling/tearing her Saree. While they beat her with hands, accused no.4 and 5 pulled her hair violently. And when complainant's husband and son sought to rescue her, accused assaulted them also with club and inflicted injuries. Accused also committed mischief by shattering window panes of her



CNR: KAHC010405382022

house with clubs. Though, intervention of relative-Jagadish saved them from further attack, accused left after threatening to kill complainant, if she went near land. Complaint was registered by Amruthur Police Station on 26.09.2021 as Crime no.127/2021 about 7:30 p.m., for offences punishable under Sections 323, 324, 447, 448, 427, 354(B), 504, 506 read with Section 34 of IPC.

3. It was submitted, impugned complaint was filed on afterthought in response to complaint filed against complainant herein. Filing of complaint at 7:30 pm when alleged incident occurred at 3:00 pm, and after accused no.1 had filed complaint at 5:00 p.m. would fortify same. It was submitted, even though statement of complainant was recorded under Section 164 of Code of Criminal Procedure, 1973 (**CrPC**), same was 20 days after incident, giving room for exaggeration. Further, out of three persons cited as eye-witnesses statement of only CW.4 was produced along charge sheet and even same would indicate that he was hearsay witness. It was submitted, wound certificate issued by CW.8 - Doctor on 30.09.2021 would indicate that accused no.1 was under treatment. Hence filing of



CNR: KAHC010405382022

complaint implicating him would be result of afterthought. On above grounds sought for quashing of proceedings.

4. Smt.Sowmya R., learned HCGP for respondent no.1 - State opposed petition. It was submitted, there was seizure of stone and clubs at spot and allegation of assault supported by 2 eye witnesses. Namely CW2-Suresh and CW 4-Jagdish. It was submitted, contentions urged were in nature of defence, which would require trial. On said grounds sought for dismissal.

5. Respondent no.2 is served unrepresented.

6. Heard learned counsel and perused material on record.

7. This petition is by accused no.1 challenging entire proceedings in CC no.10961/2021 for offences punishable under Sections 323, 324, 447, 448, 427, 354(B), 504, 506 read with Section 34 of IPC.

8. Main ground of challenge is about complaint being afterthought and counterblast filed after accused no.1 had filed complaint against present complainant. FIR in Crime no.126/2021 registered by Amruthur Police Station is produced



NC: 2026:KHC:37097
CRL.P No. 8767 of 2022

CNR: KAHC010405382022

as document no.5 along with petition. Same reveals that complaint was filed at 5:00 pm on 26.09.2021 by Ramesh (accused no.1 herein) in respect of incident alleged to have occurred at 12:30 p.m. on same day, wherein accused no.1 herein was assaulted by present complainant, her husband, son etc. when he objected to their construction.

9. As per impugned charge sheet, FIR in instant case i.e. Crime no.127/2021 was registered at 7:30 p.m., on 26.09.2021 on complaint by Lakshmamma (complainant) in respect of alleged incident occurred at 3:00 p.m. on same day.

10. Thus, both incidents occurred on same day between same parties. But, incident in Crime no.126/2021 occurred earlier at 12:30 pm near construction site, whereas incident in Crime no.127/2021 is stated to have occurred in house of present complainant at 3:00 p.m.

11. Besides, FIR in Crime no.127/2021 indicates that complaint is filed at 7:30 p.m., i.e. 4½ hours after incident, without explanation. Even statement recorded under Section 164 of CrPC does not contain explanation. Hon'ble Supreme



CNR: KAHC010405382022

NC: 2026:KHC:37097
CRL.P No. 8767 of 2022

Court in **State of A.P. v. M. Madhusudhan Rao**, reported in
(2008) 15 SCC 582, has held:

"30. Time and again, the object and importance of prompt lodging of the first information report has been highlighted. Delay in lodging the first information report, more often than not, results in embellishment and exaggeration, which is a creature of an afterthought. A delayed report not only gets bereft of the advantage of spontaneity, the danger of the introduction of a coloured version, an exaggerated account of the incident or a concocted story as a result of deliberations and consultations, also creeps in, casting a serious doubt on its veracity. Therefore, it is essential that the delay in lodging the report should be satisfactorily explained."

12. Thus, proceedings impugned herein being based on complaint suffering from afterthought would be one of circumstances to be considered.

13. Second contention that when incident occurred, petitioner no.1 was in hospital for treatment of injuries suffered due to assault by complainant etc. by relying on Wound Certificate. As per particulars stated in history of injuries column, incident referred is assault at 12:30 pm. and time of examination was 1:00 pm, and nature of injuries mentioned



CNR: KAHC010405382022

NC: 2026:KHC:37097
CRL.P No. 8767 of 2022

'simple'. Further treatment was not as in-patient. Therefore by itself said document would not establish *alibi*.

14. Interestingly, despite mentioning three persons as eye-witnesses, statement of only one of them i.e. CW.4. is recorded. Thus, charge sheet relies heavily on statement of Jagadeesha - CW.4 cited as eye-witness. But careful perusal of his statement recorded reveals that he was not an eye-witness. He stated that *when he enquired with complainant about commotion occurring near her house*, he was informed about incident. Thus, he would be hearsay witness.

15. Hon'ble Supreme Court in **Mohammad Wajid v. State of U.P.** reported in **2023 SCC OnLine SC 951**, has held Court would be required to take notice of circumstances surrounding filing of complaint.

16. In light of above ratio and facts and circumstances narrated above, continuation of impugned proceedings would amount to abuse of process. Consequently, following -



**NC: 2026:KHC:37097
CRL.P No. 8767 of 2022**

CNR: KAHC010405382022

ORDER

Petition is allowed, impugned proceedings in CC no.10961/2021 on file of Addl. Civil Judge and JMFC, Kunigal for offences punishable under Sections 323, 324, 447, 448, 427, 354(B), 504, 506 read with Section 34 of IPC are quashed.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

YKL,GRD
List No.: 1 Sl No.: 50