



CNR: KAHC010412842020

NC: 2026:KHC:55226
CRL.P No. 8166 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.8166 OF 2020

BETWEEN:

1. D.V. SINGH
S/O OM PRAKASH,
AGED ABOUT 65 YEARS,
R/AT SAIDEEP HOMES
56/3, FLAT NO.104
5TH CROSS, CHURCH STREET
BHOO MI REDDY COLONY
THIPPASANDRA ROAD
HAL 3RD STAGE
BENGALURU-560075

AS PER CHARGE SHEET
R/AT COLOMBIA ASIA HOSPITAL HEAD OFFICE
NO.8, 2ND AND 3RD FLOOR
THE ICON, 80 FEET ROAD
HAL 3RD STAGE, INDIRA NAGAR
BENGALURU.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONER

(BY SRI. RAJATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY WILSON GARDEN P.S.
WILSON GARDEN
BENGALURU-560027
REPRESENTED BY ITS SPP



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BENGALURU-560001.

2. DR. RAJEEV GIRI
S/O JAYADEV GIRI
AGED ABOUT 45 YEARS
R/AT D-006,
EASE ANSAL APARTMENT
NEXT TO GOPALAN MALL,
B.G.ROAD
BENGALURU – 560078.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. N. GOWTHAM RAGHUNATH, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
C.C.NO.24624/2019 ON THE FILE OF THE VI ACMM AT
BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 341, 323 AND 504 R/W SECTION 34 OF IPC,
AGAINST THE PETITIONER VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH



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ORAL ORDER

Heard learned counsel for petitioner, learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2.

2. The prayer is sought in this petition to quash entire proceedings in C.C.No.24624/2019 for the offences punishable under Sections 341, 323 and 504 read with Section 34 of IPC pending on the file of VI Additional Chief Metropolitan Magistrate, Bengaluru as per Annexure-A and also to grant such other relief.

2. The factual matrix of case of the prosecution is that this petitioner is the father-in-law of the complainant and father of wife of the complainant. The specific allegation is that daughter of petitioner has been in legal tussle with complainant-respondent No.2 since 2017, who is the estranged husband of the petitioner's daughter. The petitioner has grand-daughter by name Myra Giri, who is aged 5 years and there was dispute between husband and wife with regard to custody of child and J & WC No.128/2018 is also filed the Family Court, Bangalore. The Family Court vide order dated 15.12.2018 had



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allowed visitation rights to the said complainant and in pursuance of the said order, petitioner along with his daughter, visited the Mediation Centre located at Siddaiah Road, Bengaluru on 17.08.2019 and she also accompanied the daughter and in fact, five year old child was crying and did not want to even look at the complainant. The other parents and the Director of the Family Court objected to the behaviour of the complainant and also warned him on creating any ruckus in the play area. On request of the petitioner's daughter, the Director of the Family Court read the said order and instructed the parents of the complainant to sit outside the play area of the Mediation Centre. The complainant in frustration started abusing the daughter of the petitioner and petitioner by calling her a "prostitute and whore" and the petitioner a "pimp" and an altercation has taken place and only with an intention to harass, a false complaint is filed invoking the offence under Sections 341, 323 and 504 read with Section 34 of IPC. The police have registered the FIR in Crime No.121/2019 and investigated the matter and filed the charge sheet.



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3. Learned counsel for the petitioner would vehemently contend that the allegation made in the complaint does not constitute the ingredients of the offence which has been invoked against the petitioner and only with an intention to harass the petitioner, who is a senior citizen and resident of Pachakula, Hariyana, he has been falsely implicated. The counsel also would vehemently contend that allegation made against the petitioner and registration of case in Crime No.121/2019, FIR and the charge sheet do not disclose any offence against the petitioner. The counsel also would vehemently contend that due to personal vengeance, a false case has been registered. Hence, it requires interference of this Court.

4. Per contra, learned High Court Government Pleader for respondent No.1 would vehemently contend that, when the incident has taken place the petitioner was very much present and abused in filthy language even taking caste name and even abused as fostered and the same was also taken note of while filing the charge sheet and police also investigated the matter and cited the charge sheet witnesses i.e., C.Ws.4 to 7 and eye



witnesses and pen drive is also seized to that effect and C.W.9 also speaks about the same.

5. When this Court heard the matter on the earlier occasion, directed learned counsel for respondent No.2 to place on record, if any conversion regarding abuse made by this petitioner is concerned. Hence, copy of the memo is produced before the Court, wherein the counsel brought to notice of this Court conversation between both of them, wherein this petitioner has abused taking the caste name and also in filthy language and that he will kick and also called as foster and these are the materials which disclose involvement of the petitioner and it is a matter of trial and the same cannot be considered in a petition under Section 482 of Cr.P.C.

6. Learned High Court Government Pleader for respondent No.1/State would submit that based on the complaint, police have registered the case and filed the charge sheet and the matter requires trial.

7. Having heard learned counsel for petitioner, learned High Court Government Pleader for respondent No.1/State and



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learned counsel for respondent No.2, no doubt, there is a matrimonial dispute between husband and wife, learned counsel for the petitioner would submit that matter even reached upto Apex Court and the Apex Court granted the relief of divorce and custody and no dispute to that effect. Learned counsel for the petitioner also brought to notice of this Court that the ingredients which have been invoked will not come within the purview of Sections 341, 323 and 504 read with Section 34 of IPC. Having taken note of the allegation made in the complaint and considering the fact that police have investigated the matter and filed the charge sheet and Trial Court having perused the charge sheet material comes to the conclusion that matter requires trial and cognizance was taken.

8. Having considered the conversation placed before the Court in view of the direction given by this Court and also considering invoking of Sections 341, 323 and 504 read with Section 34 of IPC, matter requires trial. At this stage, this Court cannot decide the issue between the parties, particularly with regard to disputed fact is concerned that abused the complainant in filthy language and even uttering the words with



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taking the caste name is a matter of trial. Hence, this Court do not find any grounds to come to a conclusion that it is a case of abuse of process when the very abuse was recorded and transcribing the same, seized with the help of C.W.9. The witnesses C.Ws.4 to 7 are eye witnesses to the incident and no grounds to quash the proceedings and the same is a matter of trial.

Accordingly, the criminal petition is ***dismissed.***

**Sd/-
(H.P.SANDESH)
JUDGE**

ST
List No.: 1 Sl No.: 10