



CNR: KAHC010413602019

NC: 2026:KHC:54121
CRL.P No. 6049 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.6049 OF 2019

BETWEEN:

1. SANTOSH NAIK,
AGED ABOUT 38 YEARS,
S/O TIMMAYYA NAIK,
WARDEN, POST MATRIC BOYS HOSTEL,
MOODABIDRI, MANGALURU-575003,
D.K. DISTRICT.

...PETITIONER

(BY SRI. S.K. ACHARYA, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY MOODBIDRE POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU-560001.
2. SUJIT E.C.,
AGED ABOUT 18 YEARS,
S/O CHANDRASHEKAR,
R/AT EERANNANAPETE,
BELAGODU HOBALI,
SAKALESHAPURA TALUK,
HASSAN DISTRICT-573201.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
R2 SERVED - UNREPRESENTED)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.87/2018 ON THE FILE OF THE COURT OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU.

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

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

ORAL ORDER

Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for respondent No.1/State.

2. The prayer sought in the petition is to quash the entire proceedings in S.C.No.87/2018, on the file of the Court of the II Additional District and Sessions Judge, D.K., Mangaluru.

3. The factual matrix of the case of the complainant in the complaint dated 08.12.2017, is that the complainant was in the hostel and this petitioner is the warden of the said hostel. The complaint discloses that on 02.12.2017, when the complainant was in the hostel, this petitioner noticed that the complainant spit in the hostel and immediately, this petitioner



called him and inflicted injury with a stick on his leg and also on his back. As a result, he had sustained bleeding injury. When he screamed at the spot, his hostel mates Ravi, Sumanth, Rajesh, Shashank, Sandeep, Pradeep and others came and witnessed the incident and informed the same to his mother. Immediately, he was instructed to give a complaint. But he was waiting for the arrival of the higher authorities. That on 07.12.2017, the President of DSS Union, Mr. Neelayya, came to the hostel and he informed the same to him and he was taken to the hospital along with his hostel mates and having given first aid to him, he was dropped to the hostel and he lodged the complaint. Based on this complaint dated 08.12.2017, the police have registered the case and invoked the offence under Section 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC/ST Act' for short) and also the offence under Section 324 of IPC in Crime No.479/2017. The police having registered the case, investigated the matter and filed the charge-sheet. The Trial Court took the cognizance of the offence under the special



enactment as well as the offence under Section 324 of IPC. The same is challenged before this Court.

4. The main contention of the learned counsel for the petitioner is that having considered the complaint, apparently it is seen that the incident does not constitute any such offence. The entire complaint is nothing but the mastermind of the cook of the hostel one Sri Krishnappa Gowda and at his instance, the complaint was filed through respondent No.2 to score settlement of issue with the petitioner for the reason that the said cook was transferred to Sullia on the basis of the complaint filed by the petitioner as well as show cause notice issued to him as well as departmental action taken against him. It is also contended that issuance of process is nothing but non-application of the judicious mind while taking the cognizance. The learned counsel also vehemently contend that document No.21 clearly establishes by way of evidence that no such incident took place on 02.12.2017 in the hostel premises. The students themselves have admitted that they have attended Alva's Nudisiri along with the complainant, which clearly defeats the prosecution case and nothing remains for



conducting the criminal process against the petitioner. The track diary maintained by the petitioner also would evidence the fact that the complainant also visited the function along with other students. The learned counsel also would contend that if the complaint is seen from any angle, the same does not constitute the offence under Section 3(2)(v-a) of the SC/ST Act. The learned counsel also would submit that it is a fit case to exercise the power under Section 482 of Cr.P.C. The learned counsel would contend that the document of wound certificate is also created at the instance of the said Neelayya and hence, it is very clear that it is a case for quashing of the proceedings initiated against the petitioner.

5. Per contra, the learned High Court Government Pleader appearing for respondent No.1/State would submit that the complainant has suffered injuries and the wound certificate also discloses that he was brought to hospital by one Neelayya. The history of assault also given as alleged assault by hostel warden on 02.12.2017 at 8.30 p.m. and he was hit by a wooden stick. But injury is only 4 x 2 cms. abrasion on right leg and injury is also simple in nature. The learned counsel would



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submit that the incident was taken place and there was a delay in lodging the complaint, but the same cannot be a ground to quash the proceedings against the petitioner.

6. Having heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for respondent No.1/State, the said incident was taken place on 02.12.2017 at 8.30 p.m. The petitioner, who was working as a warden in the hostel, having noticed that the complainant spit in the hostel, called him and questioned him. But the allegation is that the warden had assaulted him and the same was witnessed by the other hostel mates. The complaint discloses that the incident was informed to the mother of the complainant, but the mother did not come to the hostel. One Neelayya, Head of DSS Union, came to hostel on 07.12.2017 and took the complainant to the hospital and the complaint was lodged on 08.12.2017. There is a delay of six days in lodging the complaint. No doubt, in the wound certificate history was given as he was assaulted at 8.30 p.m. with stick. Having taken note of the nature of injury, it is only an abrasion and though an allegation is made that he was assaulted on his



back, there is no such injuries and injuries are also simple in nature.

7. On perusal of the entire complaint, nowhere an allegation is made that he was abused taking his caste name and merely because he belongs to a particular community, the same cannot be a ground to invoke Section 3(2)(v-a) of the SC/ST Act. The Court has to take note of the fact that the petitioner is a warden who is maintaining the hostel and taking care of the hostel and merely because of this trivial issue, there cannot be any criminal prosecution invoking the special enactment since he was maintaining cleanliness in the hostel. It has to be noted that there was a delay of six days in lodging the complaint. The injured was taken to the hospital by the Head of DSS Union and even the parents did not rush to the hospital having received the information. Taking note of all these factors into consideration, it is a fit case to exercise the power under Section 482 of Cr.P.C. and no ingredients of offence under Section 3(2)(v-a) of the SC/ST Act and Section 324 of IPC is invoked and injury is also simple in nature that too an abrasion. The Court has to take note of the



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circumstances under which the incident was taken place. When the student did not behave properly in the hostel, the warden took the recourse and ought not to have taken such recourse and there are no any intentional act of assault even if he had suffered injury. Having noticed the mistake on the part of the complainant, in order to rectify the said mistake, the trivial incident was taken place and hence, there cannot be any criminal prosecution against the petitioner, or otherwise it amounts to a criminal ordeal and hence in magnanimity, the same is taken note of and it requires to be quashed.

8. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed and the proceedings initiated against the petitioner is quashed.

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

MD
List No.: 1 Sl No.: 15