



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 841 OF 2020

BETWEEN:

- 1 . RAMESH
S/O KEMPAIAH
AGED ABOUT 38 YEARS,
AGRICULTURIST
 - 2 . KEMPAIAH
S/O NANJEGOWDA
AGED ABOUT 70 YEARS
AGRICULTURIST
 - 3 . RAMACHANDRA
S/O KEMPAIAH
AGED ABOUT 45 YEARS,
AGRICULTURIST
- ALL ARE RESIDENT OF
LOWER HUTTA,
BHADRAVATHI,
SHIVAMOGGA - 577 301.

...PETITIONERS

(BY SMT. RUKMINI S., ADVOCATE FOR
SRI M.R.HIREMATHAD, ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA
BY BHADRAVATHI NEW

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



TOWN POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BANGALORE.

2 . SRINIVAS RAO
S/O SHYAM RAO
AGED ABOUT 60 YEARS,
R/O LOWER HUTTA
BHADRAVATHI,
SHIVAMOGGA - 577301.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;
SRI UMESH MOOLIMANI, ADVOCATE FOR
SRI S.V.PRAKASH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH CHARGE SHEET IN C.C.NO.1047/2018 OF
BHADRAVATHI NEW TOWN P.S., CONSEQUENTLY QUASH THE
PROCEEDINGS IN C.C.NO.1047/2018 ON THE FILE OF THE
LEARNED IV ADDITIONAL CIVIL JUDGE AND JMFC AT
BHADRAVATHI.

THIS PETITION IS HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 08.06.2026, THIS DAY, THE COURT,
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



CAV ORDER

Challenging proceedings in CC no.1047/2018 on file of IV Addl. Civil Judge, JMFC at Bhadravati for offences punishable under Sections 447, 504, 427, 506, 323 read with Section 34 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Smt.Rukmini S., learned counsel for Sri MR Hiremathad, advocate for petitioners submitted that petitioners were accused no.1 to 3 (**petitioners**) in complaint filed by respondent no.2 (**complainant**) giving rise to impugned proceedings. In complaint dated 24.11.2017, it was stated that complainant was owner of sites no.49/2 and 53/2 measuring 25 ft. x 49 ft. in Bhadravati, wherein he was constructing house after obtaining a licence and sanction plan from City Municipal Council and leaving set-back of 2 feet and even *chajja* was within set-back area. That, without any right, title or interest over said property, accused no.1 trespassed into complainant's site at around 2:00 pm on 24.11.2017 armed with pickaxe and abused complainant in filthy language, physically assaulted him and threatening to kill him, demolished newly constructed *chajja* causing loss of approximately Rs.15,000/- to



Rs.20,000/- to complainant. At that time, accused no.2 and 3, who had accompanied accused no.1 caught hold of complainant's collar and restrained him forcibly, while accused no.1 climbed over building and demolished *chajja*. It was stated that complainant had video recorded incident and appended complaint with copy of CD and sought for taking action. Same was registered as Crime no.244/2017 by Bhadravati New Town Police Station for offences punishable under Sections 447, 504, 427, 506, 323 read with Section 34 of IPC which after cognizance was registered as CC no.1047/2018 on file of IV Addl. Civil Judge, JMFC at Bhadravati.

3. It was submitted, even though dispute was entirely civil in nature complainant had sought to give it colour of criminal offences and without proper examination or investigation, charge sheet was filed, apparently with sole intention of harassing accused and encroach on accused's site. In support of his submissions, learned counsel relied on decisions in **M/s.Indian Oil Corporation v. NEPC India Ltd., & Ors.**, reported in **(2006) 6 SCC 736** and **Vesa Holdings Pvt. Ltd., & Anr. v. State of Kerala & Ors.**, reported in



(2015) 8 SCC 293, wherein Hon'ble Supreme Court held that inherent power under Section 482 of CrPC may be exercised where allegations made in complaint even if accepted at their face value, do not *prima facie* constitute any offence or where criminal proceedings amount to abuse of Court process. It also noted, growing tendency of converting purely civil and contractual disputes into criminal prosecution with a view to exert pressure on opposite party and emphasising that availability of civil remedy cannot justify criminal action unless essential ingredients of alleged offences are made out. In instant case, dispute between parties was purely civil in nature. Hence, continuation of criminal proceedings would be abuse of process and liable for quashing.

4. In **State of Haryana and Ors. v. Ch.Bhajan Lal and Ors.**, reported in **1992 Supp (1) SCC 335**, Hon'ble Supreme Court indicated certain criteria for quashing of FIRs and complaints under Section 482 of CrPC, which include where allegations do not disclose any cognizable offence, where is legal bar against institution and where allegations do not establish a *prima facie* case. It was submitted, allegations in complaint even if taken on face value do not *prima facie*



constitute any offence and therefore, continuation of proceedings would be abuse of process of law.

5. On other hand, Smt.Sowmya R, learned HCGP for respondent no.1 - State opposed petition. It was submitted that allegations in complaint, charge sheet, statement of witnesses and material collected during investigation indicated grave suspicion of accused having committed offences, therefore prosecution was justified. It was submitted, contentions urged were matters for trial and prayed for dismissal of petition.

6. Sri Umesh Moolimani, learned counsel appearing for Sri SV Prakash, advocate for complainant submitted, though OS no.170/2017 was pending between parties, complainant being in lawful position of site obtained licence and sanctioned plan and putting up construction within permissible set-back area. Therefore, accused had no right to trespass into complainant's site and damage construction or assault and threaten complainant, thereby committed offences alleged in charge sheet. It was submitted, complainant had produced video footage of incident and other supporting material which



substantiated charges. Hence, there was no scope for interference.

7. Heard learned counsel and perused material on record.

8. This petition is by petitioners challenging charge sheet and proceedings initiated against accused for offences punishable under Sections 447, 504, 427, 506, 323 read with Section 34 of IPC. In complaint, there is specific allegation that while complainant was lawfully putting up construction, accused trespassed into complainant's site armed with pickaxe assaulted him and threatening to murder him demolished a part of construction, causing loss to tune of Rs.15,000/- to Rs.20,000/-. Charge sheet is filed after recording statements of four eyewitnesses and mahazar witnesses. Perusal of statements of CWs.2 to 4 recorded under Section 161 (3) of CrPC would indicate corroboration of statement of complainant as per complaint averments. In complaint, complainant claims to have video recording of entire incident and appended complaint with CD of same.



9. Though in **Indian Oil Corporation** and **Vesa Holdings** cases (supra), Hon'ble Supreme Court has cautioned against criminalization of civil dispute with intent to exert pressure, it is settled law that an incident may give rise to cause of action for civil action as well as constitute a criminal offence and as per ratio in **Bhajan Lal's** case (supra), Court would require to examine whether prosecution material when taken on face value indicate grave suspicion of accused having committed offence.

10. Offences invoked against petitioners are under Sections 447, 504, 427, 506, 323 read with Section 34 of IPC. Statements of complainant (CW.1) and eyewitnesses (CWs.2 to 4) would indicate that accused entered into property of complainant armed with accused no.1 carrying pickaxe assaulted complainant, insulted him with filthy words, threatened to murder him and accused no.1 destroyed *chajja* newly constructed by complainant within set-back area. Same would implicate accused of offences of criminal trespass as well as causing damage to property of more than Rs.50/- by



mischief attracting offences punishable under Sections 427 and 447 of IPC.

11. Further, allegation of holding complainant by collar of his shirt and pulling him etc. would substantiate offence of causing 'Hurt' for which punishment is provided under Section 323 of IPC. Though, there appear some justification whether ingredients of offence under Section 504 of IPC are satisfied and whether acts of accused were with intent to provoke complainant to cause breach of peace or commit any other offence, same constitute material to invoke offence of criminal intimidation punishable under Section 506 of IPC especially when threat is allegedly to murder complainant. Further, mahazar drawn indicates damage caused to *chajja* constructed by complainant causing loss of more than Rs.50/-.

12. Whether prosecution would be able to establish offences beyond reasonable doubt would be matter for trial. Said material *prima facie* casts grave suspicion of accused having committed offences. Under above circumstances, merely on ground of antecedent of Civil Suit between parties, would not by itself render prosecution illegal or unjustified.



13. Petition is devoid of merit and is ***dismissed***, however with liberty to urge all contentions at appropriate stage.

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

GRD
List No.: 1 Sl No.: 48