



CNR: KAH010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.6019 OF 2018

C/W

CRIMINAL PETITION NO.1201 OF 2018

CRIMINAL PETITION NO.4829 OF 2018

CRIMINAL PETITION NO.6020 OF 2018

IN CRL.P NO.6019/2018:

BETWEEN:

1. K.S. ARCHANA GUPTA,
W/O SRI. K.S.SUNIL GUPTA,
AGED ABOUT 38 YEARS,
OCCUPATION: BUSINESS,
S-711, 7TH FLOOR,
MANIPAL CENTER,
DICKENSON ROAD,
BENGALURU-560 042.
2. K.S. SUNIL GUPTA,
S/O LATE V. SRINIVAS GUPTA,
AGED ABOUT 51 YEARS,
OCCUPATION: BUSINESS,
S-711, 7TH FLOOR,
MANIPAL CENTER,
DICKENSON ROAD,
BENGALURU-560 042.

...PETITIONERS

(BY SRI. PRASANNA KUMAR P. AND
SRI. PURUSHOTHAMA, ADVOCATES)

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

AND:

1. STATE OF KARNATAKA,
BY MAHADEVPURA POLICE STATION,
INVESTIGATED BY CCB, BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. MR. LAVAKUMAR,
AGED ABOUT 65 YEARS
OCCUPATION: RETIRED ASST. COMMISSIONER
OF POLICE/VICE PRESIDENT (LIAISON),
M/S. VASWANI ESTATE DEVELOPERS,
'VASWANI VICTORIA',
NO.30, VICTORIA ROAD,
BENGALURU-560 047.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. V.C. RAJU, ADVOCATE FOR
SMT. MANASA B. RAO, ADVOCATE FOR R2)

THIS CRIMINAL PETITION FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ORDER DATED 03.05.2017 PASSED BY THE LEARNED I A.C.M.M., BENGALURU, IN C.C.NO.12846/2017 THEREBY TAKING COGNIZANCE AGAINST THE PETITIONERS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 341, 447 AND 506 R/W SECTION 34 OF IPC AND ORDERING TO REGISTER CASE AND ISSUE SUMMONS INsofar AS IT RELATES TO THE PETITIONERS/ACCUSED NO.3 AND 4.

IN CRL.P NO.1201/2018:

BETWEEN:

1. K.S.ARCHANA GUPTA,
W/O SRI K.S. SUNIL GUPTA,
AGED ABOUT 38 YEARS



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

OCCUPATION: BUSINESS,
S-711, 7TH FLOOR,
MANIPAL CENTER,
DICKENSON ROAD,
BENGALURU 560 042.

2. K.S. SUNIL GUPTA,
S/O LATE V. SRINIVAS GUPTA,
AGED ABOUT 51 YEARS,
OCCUPATION: BUSINESS
S-711, 7TH FLOOR,
MANIPAL CENTER,
DICKENSON ROAD,
BENGALURU 560 042.

...PETITIONERS

(BY SRI. PRASANNA KUMAR P. AND
SRI. PURUSHOTHAMA, ADVOCATES)

AND:

1. STATE OF KARNATAKA,
BY MAHADEVPURA POLICE STATION,
INVESTIGATED BY CCB, BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560 001.
2. M. LAVAKUMAR,
AGED ABOUT 65 YEARS,
OCCUPATION: RETIRED ASST. COMMISSIONER
OF POLICE/VICE PRESIDENT (LIAISON),
M/S VASWANI ESTATE DEVELOPERS,
'VASWANI VICTORIA',
NO.30, VICTORIA ROAD,
BENGALURU 560 047.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. V.C. RAJU, ADVOCATE FOR
SMT. MANASA B. RAO, ADVOCATE FOR R2)



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ORDER DATED 03.05.2017 PASSED BY THE LEARNED J A.C.M.M., BENGALURU, IN C.C.NO.12849/2017 THEREBY TAKING COGNIZANCE AGAINST THE PETITIONERS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 447, 504, 506B R/W SECTION 149 OF IPC AND ORDERING TO REGISTER CASE AND ISSUE SUMMONS IN SO FAR AS IT RELATES TO THE PETITIONER/ACCUSED NO.1 AND 2 ARE CONCERNED.

IN CRL.P NO.4829/2018:

BETWEEN:

1. B. RAJU,
S/O SRI BORAIHAH,
AGED ABOUT 53 YEARS,
OCCUPATION: DRIVER,
R/AT NO.2, JARAGANAHALLI,
NANJAPPA LAYOUT,
ANTONY INDUSTRIAL AREA,
NAIDU LAYOUT,
BENGALURU-560 078.
2. MANI @ MANIKANTA B.,
S/O BALARAM,
AGED ABOUT 30 YEARS,
OCCUPATION: OFFICE ASSISTANT,
R/AT NO.S-711, 7TH FLOOR,
MANIPAL CENTER,
DICKENSON ROAD,
BENGALURU-560 042.
3. SUNIL JHA,
S/O SHAMBUNATH JHA,
AGED ABOUT 44 YEARS,
OCCUPATION: WATCHMEN,
R/AT NO.S-711, 7TH FLOOR,
MANIPAL CENTER,



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

DICKENSON ROAD,
BENGALURU-560 042.

...PETITIONERS

(BY SRI. PRASANNA KUMAR P. AND
SRI. PURUSHOTHAMA, ADVOCATES)

AND:

1. STATE OF KARNATAKA,
BY MAHADEVPURA POLICE STATION,
INVESTIGATED BY CCB, BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. MR. LAVAKUMAR
AGED ABOUT 65 YEARS,
OCCUPATION: RETIRED ASST. COMMISSIONER
OF POLICE/VICE PRESIDENT (LIAISON),
M/S. VASWANI ESTATE DEVELOPERS,
'VASWANI VICTORIA',
NO.30, VICTORIA ROAD,
BENGALURU-560 047.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. V.C. RAJU, ADVOCATE FOR
SMT. MANASA B. RAO, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ORDER DATED
03.05.2017 PASSED BY THE LEARNED I A.C.M.M.,
BENGALURU, IN C.C.NO.12849/2017 THEREBY TAKING
COGNIZANCE AGAINST THE PETITIONER/ACCUSED NO.3-5
FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143,
147, 148, 447, 504, 506B R/W SECTION 149 OF IPC AND
ORDERING TO REGISTER CASE AND ISSUE SUMMONS INSO
FAR AS IT RELATES TO THE PETITIONER/ACCUSED NO.3-5
ARE CONCERNED.



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

IN CRL.P NO.6020/2018:

BETWEEN:

1. SUNIL JHA,
S/O SHAMBUNATH JHA,
AGED ABOUT 44 YEARS,
OCCUPATION: WATCHMEN,
S-711, 7TH FLOOR,
MANIPAL CENTER,
DICKENSON ROAD,
BENGALURU-560 042.
2. AMITESH KUMAR,
AGED MAJOR,
OCCUPATION: WATCHMAN,
S-711, 7TH FLOOR,
MANIPAL CENTER,
DICKENSON ROAD,
BENGALURU-560 042.

...PETITIONERS

(BY SRI. PRASANNA KUMAR P. AND
SRI. PURUSHOTHAMA, ADVOCATES)

AND:

1. STATE OF KARNATAKA,
BY MAHADEVPURA POLICE STATION,
INVESTIGATED BY CCB, BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. MR. LAVAKUMAR,
AGED ABOUT 65 YEARS,
OCCUPATION: RETIRED ASST. COMMISSIONER
OF POLICE/VICE PRESIDENT (LIAISON),
M/S. VASWANI ESTATE DEVELOPERS
'VASWANI VICTORIZ',



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

NO.30, VICTORIA ROAD,
BENGALURU-560 047.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. V.C. RAJU, ADVOCATE FOR
SMT. MANASA B. RAO, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ORDER DATED 03.05.2017 PASSED BY THE LEARNED I A.C.M.M., BENGALURU IN C.C.NO.12846/2017 THEREBY TAKING COGNIZANCE AGAINST THE PETITIONER FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 341, 447, 506 R/W SECTION 34 OF IPC AND ORDERING TO REGISTER CASE AND ISSUE SUMMONS INSO FAR AS IT RELATES TO THE PETITIONERS/ACCUSED NO.1 AND 2.

THESE PETITIONS COMING ON FOR HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

Heard the learned counsel for the petitioners, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant in all the matters.

2. CrI.P.No.6019/2018 and CrI.P.No.6020/2018 are filed praying this Court to quash the order dated 03.05.2017 passed by the I ACMM, Bengaluru, in C.C.No.12846/2017



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

taking cognizance against the petitioners for the offences punishable under Sections 341, 447, 506 read with 34 of IPC.

3. Crl.P.No.1201/2018 and Crl.P.No.4829/2018 are filed praying this Court to quash the order dated 03.05.2017 passed by the I ACMM, Bengaluru, in C.C.No.12849/2017 taking cognizance against the petitioners for the offences punishable under Sections 143, 147, 148, 447, 504, 506B read with 149 of IPC.

4. The factual matrix of the case of the complainant in Crl.P.No.6019/2018 and Crl.P.No.6020/2018 is that the complainant filed a complaint dated 04.03.2016 making an allegation that at about 10.30 a.m. when his labourers were working in the site belonging to the complainant, Mr. Sunil Gupta's two security guards, namely Sunil Jha and Amitesh Kumar came to the site and shouted on the labourers and asked them to stop the construction work. They also threatened the workers with dire consequences if they continue with their construction work. One of the security guard Sunil took a stone in his hand and menacingly advanced towards the driver of the JCB to stop the work when he was excavating the



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

earth. It is also an allegation that at about 12.40 p.m., Mr. Sunil Gupta came with his wife and a few other persons numbering about ten and started shouting at his workers directing them to stop the construction work at the site and also trespassed and threatened and so also demolished the wall of a godown being constructed around 7 metres away from boundary line within their own property. Being scared by the high handedness of them, the workers refused to work. It is also the case of the complainant that with regard to this property, already W.P.Nos.8366-70/2016 is filed before the High Court and the High Court after hearing the matter, issued an interim order dated 22.02.2016 and has restrained Mr.Sunil Gupta and his company from interfering with the construction work. The copy of the order is also produced along with the complaint. The police based on the complaint, registered the FIR and investigated the matter and filed the charge-sheet. Hence, the petitioners, who have been arraigned as accused Nos.1 to 4 have filed Crl.P.No.6019/2018 and Crl.P.No.6020/2018.



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

5. The main contention of the learned counsel for the petitioners is that there was a civil dispute between the parties and suits are also filed prior to this incident. The learned counsel would submit that the averments in the pleading in W.P.Nos.8366-8370/2016 filed by the Company seeking to demark and fence its lands would clearly establish that the boundaries of the land as claimed by the Company was not marked which clearly means that the Company is not in possession of the property as per its claim. Hence, the learned counsel would contend that question of invoking Section 447 of IPC does not arise. The learned counsel also would vehemently contend that when there was a dispute with regard to the boundary is concerned, no material is placed on record with regard to that the complainant is in possession of the property. The learned counsel would contend that the Joint Director of Land Records has also clearly stated that land physically available for the Company is only 4 acres 1 gunta and that the petitioners herein are in possession of 38 guntas of land and 19 guntas of land has gone towards expansion of ITPL Main Road and 14 guntas in the said Survey No.132/1 is kharab land.



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

When that being the case, the question of invoking Section 447 of IPC does not arise. The learned counsel would contend that only with an intention to drag the petitioners to the Court, a private complaint is filed. The learned counsel would contend that in the complaint, no specific words are used with regard to causing of life threat, except making an allegation that threatened with dire consequences. The learned counsel would contend that the complainant who filed the complaint was not present at the spot when the incident had taken place and only on the hearsay statement, he gave the complaint. The learned counsel also brought to the notice of this Court that the person who was present at the time of the incident, who made the statement before the Investigating Officer, also not stated anything about demolishing of any portion of the property and so also holding of any stone by one of the security guard. Hence, it is clear that criminal colour is given to the civil dispute between the parties and prays this Court to quash the proceedings against the petitioners.

6. Per contra, the learned counsel for respondent No.2/complainant would submit that though the complainant



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

was not present at the time of incident and though he is an ex-officer of the Police Department, it cannot be contended that he has misused his power in filing the charge-sheet with the help of the Police Department. The learned counsel would submit that in the complaint it is specifically mentioned about the nature of the incident which was taken place on the particular date with regard to shouting holding a stone by one of the worker of the Company and the contradictions cannot be considered at the time of considering the petition under Section 482 of Cr.P.C.

7. The learned High Court Government Pleader appearing for respondent No.1/State would submit that there are prima facie materials against the petitioners and the statement of witnesses, who were present at the spot, is also recorded and they have been cited while filing the charge-sheet and hence, the matter requires trial.

8. The petitioners in Crl.P.No.1201/2018 and Crl.P.No.4829/2018 have approached this Court praying to quash the proceedings initiated against them in respect of the incident dated 17.08.2016 and filing of the charge-sheet in



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

C.C.No.12849/2017. The learned counsel for the petitioners brought to the notice of this Court the contents of the complaint, wherein it is stated that they are constructing a residential complex in an extent of land measuring 4 acres 20 guntas and also temporarily left the disputed area of 14 guntas and are carrying on with construction activity in the remaining portion of their land. The specific allegation is made in the complaint that at about 11.58 a.m., Mrs. Sunil Gupta wielding a huge sword in her hand trespassed into their portion of the land along with 4 to 5 persons and started shouting at their engineers and construction workers to immediately stop the work or else they will face the dire consequences. It is also stated that she was talking to someone over the phone in Telugu language asking to come with hundreds of men with weapons and hence, the construction workers and engineers stopped the work fearing for the safety of their lives. Hence, action is sought against Mrs. Sunil Gupta and others under the appropriate provisions of law. Based on this complaint, case was registered in Crime No.397/2016 invoking Sections 143,



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

147, 148, 504, 506 read with 149 of IPC and Section 27 of the Indian Arms Act.

9. The learned counsel for the petitioners not disputes the fact that the matter was referred to the CCB vide order dated 27.09.2016 in respect of both the cases. The learned counsel would vehemently contend that there was no such incident of wielding of sword by Mrs.Sunil Gupta and causing threat. There was a dispute with regard to the very identification of the property is concerned and suit is also filed for the relief of declaration and injunction and later on amended for possession and hence, the question of invoking the offence under Section 447 of IPC does not arise. The learned counsel also vehemently contend that no words are used by the petitioners to invoke the offence under Section 504 of IPC and only with an intention to drag the petitioners to the Court with regard to the civil dispute is concerned, the present complaint and charge-sheet is filed. The learned counsel also brought to the notice of this Court the contradictions in the statement of witnesses and further statement in respect of the



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

incident is concerned and contend that false case has been registered.

10. Per contra, the learned counsel for respondent No.2/complainant would vehemently contend that the charge-sheet material placed before the Court itself clearly discloses that Mrs.Sunil Gupta was holding sword in her hand. Page Nos.17, 18, 19 and 20 of the charge-sheet clearly discloses that she was holding a sword in her hand and was accompanied by several persons. The photographs are also produced in respect of the particular date of incident i.e., 17.08.2016 and so also the photographs now produced before the Court along with memo is very clear that she was talking over the phone and inviting the other hooligans to arrive at the spot. The police have taken note of the pictures which were taken and also mobile was given having recorded the said incident and report also obtained and detailed statement of witnesses were also recorded and filed the charge-sheet. The learned counsel also would submit that the suit filed in O.S.No.9024/2014 connected with O.S.No.2835/2016 filed by the petitioners was dismissed and suit filed by the respondent/complainant is



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

decreed and it clearly discloses that the petitioners have not established their rights in civil suit also. With regard to the incident is concerned, materials are collected by the Investigating Officer during the course of investigation and filed the charge-sheet.

11. The learned High Court Government Pleader appearing for respondent No.1/State would submit that there is a prima facie case against the petitioners herein and the material collected by the Investigating Officer clearly discloses with regard to the incident dated 17.08.2016. The Court has to take note of the charge-sheet material and question of quashing the same does not arise.

12. Having heard the learned counsel for the petitioners, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant, the points that would arise for the consideration of this Court are:

- (i) Whether the petitioners in CrI.P.No.6019/2018 and CrI.P.No.6020/2018 have made out the ground to quash the proceedings initiated



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

against them for the offences punishable
Sections 341, 447, 506 read with Section 34 of
IPC?

(ii) Whether the petitioners in Crl.P.No.1201/2018
and Crl.P.No.4829/2018 have made out the
ground to quash the proceedings initiated
against them for the offences punishable under
Sections 143, 147, 148, 447, 504, 506B read
with 149 of IPC?

(iii) What Order?

Point No.(i):

13. Having heard the respective learned counsel and
having considered the factual aspects of the case, the
allegation is that on 04.03.2016, the incident was taken place
at 10.30 a.m. and at that time CW4, CW5 and CW6 were
present at the spot and the neighbours of the petitioners were
also present. The labourers who were there at the spot were
subjected to threat and the petitioners have trespassed the
property and wrongfully restrained them from discharging their
duties. The learned counsel for respondent No.2 would contend
that at around 12.40 p.m., accused Nos.3 and 4 came and they
also caused threat and all of them with a common intention



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

trespassed the property and caused the life threat. The Court has to take note of the very contents of the complaint and the complainant was not present at the spot at the time of the incident. Based on the information given by the witnesses who were present at the spot i.e., CW4, CW5 and CW6, the complaint was lodged. Having considered the contents of the complaint, an allegation of causing of life threat with dire consequences is made. An allegation is also made that they caused the threat not to continue the work and in order to invoke the offence under Section 341 of IPC i.e., wrongful restraint, if they have been obstructed, then the same could be invoked. It has to be noted that in the complaint it is stated that writ petition was filed and an order was passed on 22.02.2016 restraining the petitioners from interfering with the construction work. The complaint discloses two incidents, one at 10.30 a.m. causing obstruction to the work and also threat and another incident at 12.40 a.m., that Mr. Sunil Gupta came with his wife and few others and they also stopped the construction work and caused the life threat with dire consequences.



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

14. No doubt, the investigation is made by the CCB in view of the order passed by the Police Commissioner on 27.09.2016 and the Court has to take note of the contents of the complaint. Admittedly, the complainant was not present at the time of the incident. Only based on the hearsay statement of other witnesses, case was lodged. It is important to note that when the statement of witnesses were recorded by the police, the witnesses who were present at the spot have not spoken anything about one of the security guard took a stone in his hand and caused the threat. The said allegation made in the complaint is missing in the statement of eye-witnesses. The Court has to take note of the fact that when the security guard tried to assault the JCB driver, he also feared and stopped the work. It has to be noted that the dispute between the parties is with regard to the very identification of the property is concerned, since both of them are owners of the neighbouring land and writ petition is also filed and an order of status quo was granted. When such being the case, invoking Section 447 of IPC does not arise. With regard to the general omnibus allegation in the complaint that threatened with dire



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

consequences, except stating dire consequences, nothing is found with regard to initiation of criminal case is concerned. It is not in dispute that earlier there was civil suit between both the parties and those suits are filed prior to this incident. Having considered the statement of witnesses, the eye-witnesses statement with regard to one of the security guard took the stone and made an attempt to cause threat is missing. This Court has made an observation with regard to invoking of Section 341 of IPC is concerned. The fact is that they were working at the spot and only an oral threat was made to them to stop the work and as a result, they stopped the work. Having taken note of earlier civil dispute between the parties and lodging of the complaint invoking criminal act, it is a fit case to quash the proceedings against the petitioners in view of the complaint is based on the hearsay statement and the witnesses who were present at the spot have not stated anything about the security guard took the stone and caused the threat. Hence, it is a case for quashing the proceedings initiated against the petitioners in C.C.No.12846/2017.



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

Point No(ii).

15. In Crl.P.No.1201/1028 and Crl.P.No.4829/2018, specific allegation is made in the complaint that the incident was taken place on 17.08.2016 at 11.48 a.m. when CW1 was present at the spot along with CW2 to CW6 excavating the earth for construction work. At that time, accused Nos.1 to 5 came to the spot and particularly, accused No.1 wielded the sword against them causing life threat. A specific allegation is made that she called the hooligans to come to the spot with hundreds of men with weapons. To that effect, photographs were taken and produced along with the charge-sheet in paragraph Nos.17 to 21 and she was holding the sword in her right hand. This document discloses the presence of accused No.1 wielding the sword and threat was made. With regard to invoking of the offence under Section 504 of IPC is concerned, specific word is not uttered to insult the witnesses who were present. Only specific allegation is made that she started shouting holding the weapon. An allegation is also made in the complaint that she was talking to someone in Telugu language



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

asking to come with hundreds of men with weapons and fearing the same, the construction work was stopped.

16. The learned counsel for respondent No.2/complainant brought to the notice of this Court that investigation was conducted by CCB and mobile of CW2 was also seized and the same was subjected to forensic examination. CW2 made the statement before the Investigating Officer that the petitioners used filthy language and also caused the threat. The learned counsel for the petitioners brought to the notice of this Court that the recording made in the mobile was transferred to the mobile of the complainant and if really the complainant was present at the spot, there was no need of transferring the same to the complainant's mobile. The learned High Court Government Pleader appearing for respondent No.1/State also would contend that the statements are recorded with regard to incident is concerned. Whether CW1 was present or not cannot be decided in a petition under Section 482 of Cr.P.C.



NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

17. Having considered the material on record, there was a photographs in respect of the incident is concerned and the photograph clearly discloses that accused No.1 was having sword in her right hand and when the allegation was made with regard to wielding of the sword, invoked the offences under Section 506 of IPC and Section 27 of the Indian Arms Act. The material clearly discloses that there was an incident and accused No.1 was holding a weapon in her hand accompanied with other persons and when the work was going on, caused the threat and work was stopped. The Court has to take note of the same and any contradictions in the statement of witnesses is a defence. However, while framing the charge with regard to the ingredients of the offence under Section 504 of IPC and Section 27 of the Indian Arms Act, the petitioners can point out before the Court whether it could attract the other sections. But the very presence of the accused persons and invoking of Sections 143, 147, 148 was spoken by the witnesses and the same also to be taken note of. When there are prima facie materials that incident had taken place and accused No.1 was holding the sword in her hand and also the



CNR: KAHC010494072018

NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER

presence of the other petitioners, also a matter of trial. The prosecution has made out the case with regard to proceeding against the petitioners and the petitioners have not made out any ground to quash the proceedings. The defences which have been raised before this Court and the contradictions in the mahazar as well as the statement of witnesses, is a matter of trial and the same cannot be considered at the stage of considering the petition under Section 482 of Cr.P.C. Hence, the petitioners have not made out any ground to quash the proceedings.

18. The learned counsel for the petitioners would contend that when the offences are non-cognizable, the police would not have taken recourse to the investigation. While filing the complaint, cognizable offences were also invoked, but while filing the charge-sheet only comes to the conclusion that Arms Act cannot be invoked. When the Arms Act and other cognizable offences were invoked at the time of registration of the case, this Court cannot find fault with the investigation of the police and hence, the said contention cannot be accepted.



CNR: KAHC010494072018

**NC: 2026:KHC:52641
CRL.P No. 6019 of 2018
C/W CRL.P No. 1201 of 2018
CRL.P No. 4829 of 2018
AND 1 OTHER**

Point No.(iii):

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

ORDER

- (i) CrI.P.No.6019/2018 and CrI.P.No.6020/2018 are allowed and the proceedings initiated against the petitioners are quashed.
- (ii) CrI.P.No.1201/2018 and CrI.P.No.4829/2018 are dismissed.

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

MD
List No.: 1 Sl No.: 7