



CNR: KAHC010509822019

NC: 2026:KHC:49448
CRL.P No. 723 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 723 OF 2020 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. MUNIRAJU
S/O LATE CHIKKA VENKATAPPA,
AGED ABOUT 51 YEARS,
DYAVARAHALLI VILLAGE
DEVANAHALLI TALUK,
BENGALURU DISTRICT - 562 157.
2. NARAYANASWAMY
S/O LATE CHIKKA VENKATAPPA,
AGED ABOUT 43 YEARS,
DYAVARAHALLI VILLAGE,
DEVANAHALLI TALUK,
BENGALURU DISTRICT - 562 157.
3. VENKATAMMA
W/O LATE CHIKKA VENKATAPPA,
AGED ABOUT 70 YEARS,
DYAVARAHALLI VILLAGE,
DEVANAHALLI TALUK,
BENGALURU DISTRICT - 562 157.
4. GURAMMA
D/O LATE CHIKKA VENKATAPPA,
AGED ABOUT 45 YEARS,
DYAVARAHALLI VILLAGE,
DEVANAHALLI TALUK,
BENGALURU DISTRICT - 562 157.

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Location: HIGH
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KARNATAKA



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5. SHASHIKALA
W/O MUNIRAJU,
AGED ABOUT 30 YEARS,
DYAVARAHALLI VILLAGE,
DEVANAHALLI TALUK,
BENGALURU DISTRICT - 562 157.

...PETITIONERS

(BY SRI. MOHAN KUMAR D., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY
SUB-INSPECTOR OF POLICE,
VISHWANATHAPURA POLICE STATION,
DEVANAHALLI - 562 110.

REPRESENTED BY ITS S.P.P.,
KARNATAKA HIGH COURT BUILDINGS,
HIGH COURT, BENGALURU-560 001.

2. SMT. KRISHNAMMA
W/O KRISHNAPPA,
AGED ABOUT 64 YEARS,
DYAVARAHALLI VILLAGE,
DEVANAHALLI TALUK,
BENGALURU DISTRICT - 562 157.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
R2- SERVED - UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO
a)QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.4427/2016
FOR THE OFFENCES P/U/S.143,323,504,506 R/W SEC.149 OF
IPC PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE
AND JMFC COURT, DEVANAHALLI. b)CALL FOR RELEVANT
RECORDS OF THE C.C NO.4427/2016 ON THE FILE OF THE PRL.
CIVIL JUDGE & JMFC COURT, DEVANAHALLI.

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



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

ORAL ORDER

Heard learned counsel for the petitioners and also learned counsel for the respondents.

2. This petition is filed praying this Court to quash the entire proceedings in C.C.No.4427/2016 for the offences punishable under Sections 143, 323, 504 and 506 read with Section 149 of the IPC, pending on the file of the Principal Civil Judge and JMFC, Devanahalli.

3. Learned counsel for the petitioners brought to the notice of this Court the contents of the complaint and referring to the contents of the complaint, submits that an allegation is made that the petitioners prevented the complainant from conducting the survey and assaulted him with their hands on his head and back. Learned counsel would submit that, to that effect, no document or wound certificate is produced before the Court or collected by the Investigating Officer during the course of investigation, except recording the statements of two witnesses claiming to be eyewitnesses.



4. Learned counsel would also submit that, in the complaint, except for the allegation of using filthy language, the words which were used while abusing are not stated. It is also stated in the complaint that they held the hand of the complainant and removed her from the place. Based on this complaint, a case was registered for the offences punishable under Sections 143, 504, 323, 506 read with Section 149 of IPC, but Section 354 of IPC was not invoked. However, while filing the charge sheet, Section 354 of IPC has been invoked.

5. Learned counsel further contended that, except for recording the statements of Munikrishna and Lakshmana as eyewitnesses, the Investigating Officer has not even recorded the statements of the witnesses who had come to conduct the survey. The charge sheet merely contains such allegations and the very ingredients of alleged offences are not attracted, even considering contents of the complaint as well as the charge sheet.

6. The complainant is served with notice, but did not choose either to engage a counsel or to appear in person.



7. Learned counsel appearing for the State would contend that, having perused the contents of the complaint, it is very clear that petitioners prevented the complainant from conducting the survey and though the statements of the official witnesses who had come to conduct the survey were not recorded, the statements of two eyewitnesses have been recorded.

8. Having heard learned counsel for the petitioners and also learned counsel appearing for the State and particularly looking into the contents of the complaint, the words which have been attributed to the complainant are not stated in the complaint. Except for making an omnibus statement that the complainant was abused in filthy language, no specific words are mentioned. Apart from that, in order to invoke the offence under Section 506 of IPC, what exactly transpired with regard to the alleged life threat has also not been stated, except making a bald allegation of causing a life threat. So also, insofar as the offence under Section 323 of IPC is concerned, no wound certificate has been collected. It is the specific case that the complainant was assaulted on the head



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and also on the back, but no supporting document, including a wound certificate, is produced. When such being the case, the very ingredients of the offence under Section 323 of the IPC are missing, so also in respect of the offences under Sections 504 and 506 of IPC. So also, Section 354 of IPC has been invoked at the time of filing of the charge sheet, though the said offence was not invoked at the time of registering the case.

9. Having perused the material on record, it is very clear that there is a dispute between the parties with regard to the measurement of the property. In the absence of any statement of the official witnesses who had gone to survey the land and when the same has also not been recorded by the Investigating Officer and the Investigating Officer has also not collected any wound certificate, it is nothing but an abuse of the process of law if the petitioners are subjected to criminal trial before the Court and no purpose would be served by continuing the proceedings against the petitioners. It is nothing but giving a civil dispute a criminal colour while initiating the criminal prosecution against the petitioners. If the same is



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continued, it would lead to miscarriage of justice. Hence,
proceeded to pass the following:

ORDER

- i. The Criminal Petition is ***allowed.***
- ii. The proceedings initiated against the accused persons are hereby quashed.

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

AM
List No.: 1 Sl No.: 21