



CNR: KAHC010532922019

NC: 2026:KHC:52067
CRL.P No. 1334 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 1334 OF 2020 (482(Cr.PC)
/ 528(BNSS))

BETWEEN:

SRI H BABU JAGADISH
S/O. HANUMANTHAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT PROPERTY NO.630,
10TH MAIN,
NEW KANTHARAJ URS ROAD,
T.K. LAYOUT, 4TH STAGE,
MYSORE-570 009.

...PETITIONER

(BY SRI. RUPESH KUMAR S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BANASHANKARI POLICE STATION,
BENGALURU CITY,
REPRESENTED BY
THE LEARNED STATE PUBLIC PROSECUTOR.
2. SRI. SHIVA PRAKASH. S
R/AT NO. 324/A, 25TH CROSS,
9TH MAIN, 2ND STAGE,
BANASHANKARI-560 085,
BENGALURU CITY.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI ADDL. SPP FOR R1

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA





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R2 - SERVED AND UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED U/S.482 CR.P.C
PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE
LEARNED JUDGE 3RD ACMM AT BENGALURU IN
C.C.NO.8942/2019 AS PER ANNEXURE-C.

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

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

ORAL ORDER

1. Heard learned counsel for petitioner and also learned HCGP for the respondent-State. Respondent No.2 is served and unrepresented.
2. The prayer is sought for quashing of the proceedings initiated against the petitioner in C.C.No.8942/2019 for the offences punishable under Sections 504 and 323 IPC.
3. Learned counsel appearing for the petitioner would submit that the parties are family members and there is a civil dispute between the parties and an order of injunction is also granted. Only omnibus allegation of assault is made without producing any wound certificate.



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However, police committed an error in filing the charge sheet. In the complaint itself it is stated that there is a civil dispute pending between the parties and suit is also filed.

4. Per contra, learned HCGP for the respondent-State submits that the accused abused the complainant in filthy language and assaulted though not stated in the complaint. During the course of investigation, it is stated that accused assaulted the complainant on the cheek and also on the head and abused in filthy language. Learned HCGP also submits that there are eye witnesses to the incident.
5. Having heard the learned counsel for petitioner and also learned HCGP and in the complaint it is stated that on 26.07.2017 in the evening at 5.30 P.M. complainant and his son came and quarreled and an omnibus statement is made that accused assaulted with hand but no specific mention to which part they assaulted. It is stated that accused abused in filthy language and in the complaint it



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is stated that there is a civil dispute pending between the parties and there is an order of injunction and no doubt learned HCGP brought to the notice of this Court that in the charge sheet it is stated that assault is on cheek and head but not produced any medical documents or wound certificate. Further taking treatment due to assault is concerned is in respect of the offence punishable under Section 323 and in respect of Section 504 of IPC an omnibus statement is made that a civil dispute is also pending and injunction was granted. Hence, there is no specific statement or allegation in the complaint but however it appears improvements being made stating that assault is on cheek and head but no document is produced. On perusal of the material available on record it appears that the dispute is purely of a civil nature and criminal colour has been given to it. Hence, it is a fit case to quash the proceedings.

6. Accordingly following:

ORDER

- (i) Petition is allowed.



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- (ii) Proceedings pending before the learned III ACMM,
Bengaluru in C.C.No.8942/2019 is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SBN
List No.: 1 SI No.: 21