

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER , 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 10301 OF 2024

BETWEEN:

1. SRI GANGANNA M
S/O L MUDIGERAIAH,
AGED ABOUT 74 YEARS,
R/O #125/A, 2ND MAIN,
BASAVESHWARA LAYOUT,
SRICHAKRA NAGAR MAIN ROAD,
ANDHARAHALLI,
BANGALORE-560 091
2. SMT. GOWRAMMA
W/O GANGANNA,
AGED ABOUT 68 YEARS,
R/O #125/A, 2ND MAIN,
BASAVESHWARA LAYOUT,
SRICHAKRA NAGAR MAIN ROAD,
ANDHARAHALLI,
BANGALORE-560 091
3. SRI. MANJUNATHA G K
S/O KANTHARAJU G K,
AGED ABOUT 41 YEARS,
R/O #125/A, 2ND MAIN,
BASAVESHWARA LAYOUT,
SRICHAKRA NAGAR MAIN ROAD,
ANDHARAHALLI,
BANGALORE-560 091
4. B.S. NARASIMHA MURTHY
S/O SASALEGOWDA B K,
AGED ABOUT 56 YEARS,
R/O #125/A, 2ND MAIN,
BASAVESHWARA LAYOUT,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

SRICHAKRA NAGAR MAIN ROAD,
ANDHARAHALLI,
BANGALORE-560 091

5. SMT. MANJULA @ PUSHPA
W/O NARASIMHAMURTHY,
AGED ABOUT 48 YEARS,
R/O #125/A, 2ND MAIN,
BASAVESHWARA LAYOUT,
SRICHAKRA NAGAR MAIN ROAD,
ANDHARAHALLI,
BANGALORE-560 091
6. SMT. BHAGYA G
W/O MANJUNATHA G K,
AGED ABOUT 40 YEARS,
R/O #125/A, 2ND MAIN,
BASAVESHWARA LAYOUT,
SRICHAKRA NAGAR MAIN ROAD,
ANDHARAHALLI,
BANGALORE-560 091
7. SMT. KUMARI JYOTHI G
W/O BETTASWAMY B.C.,
AGED ABOUT 43 YEARS,
R/O NO.116/1, 2ND MAIN,
BASAVESHWARA LAYOUT,
ANDHARAHALLI,
BANGALORE-560 091

...PETITIONERS

(BY SRI. J.M ANIL KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
BYADARAHALLI POLICE STATION,
Kengeri SUB-DIVISION,
BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001
2. SMT. NANDINI
W/O CHIKKAMURTHY,

AGED ABOUT 30 YEARS,
R/AT NO.04, 2ND MAIN ROAD,
BASAVESHWARA LAYOUT,
ANDHARAHALLI,
BANGALORE-560 091

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. KIRAN KUMAR B.M, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS INITIATED BY THE RESPONDENT NO.1 AGAINST THE PETITIONERS (ACCUSED NO.S 1 TO 7) IN F.I.R/CRIME NO.738/2023 (ANNEXURE), FOR THE ALLEGED OFFENCES P/U/S 506, 504, 354, 323 AND 149 OF THE IPC, 1860 AND CONSEQUENTLY THE CHARGE SHEET DATED 09.11.2023 AND THE ADDITIONAL CHARGE SHEET DATED 14.06.2024 (ANNEXURE) FILED BY THE 1ST RESPONDENT IN C.C.NO.21/2024 PENDING ON THE FILE OF CJM RURAL COURT, BANGALORE.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 29.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against the petitioners/accused Nos.1 to 7 in Crime No. 738/2023 registered Byadarahalli Police Station for the offences punishable under Sections 506, 504, 354, 323 read with section 149 of IPC and consequently, the charge sheet dated 09.11.2023 and the additional charge sheet dated 14.06.2024 filed by the respondent No.1-police in C.C

No.21/2024, pending on the file of Chief Judicial Magistrate Court, Bengaluru Rural (for short, 'the learned Magistrate').

2. The abridged facts of the case are that respondent No.2-complainant lodged a complaint before respondent No.1-police alleging that her mother had executed a gift deed in her favour in respect of Site No.4 formed in Sy.Nos.144/1 and 116/2 of Andrahalli Village. In connection with the said property, respondent No.2 and her family had earlier disputes with the petitioners, who had also allegedly attempted to assault respondent No.2 and her family members. In this regard, a complaint was lodged before respondent No.1-police on 12.12.2021, which was registered in NCR No.372/2021. Thereafter, respondent No.1-police closed the said case by advising the petitioners not to indulge in such acts.

3. It is further alleged that on 12.09.2023 at about 9.00 p.m., when the husband of respondent No.2, namely, Chikkamurthy B.C., was taking his son's friend from their house, accused No.4-Manjunath was standing on the road and the stand of the two-wheeler allegedly touched him. Thereafter, accused No.4 is alleged to have picked up a quarrel with the husband of respondent No.2 and abused him in filthy language.

When respondent No.2 intervened, the accused persons allegedly abused and assaulted her, causing injuries to her shoulder, head, cheek and abdomen, and also hit her against a roadside tree. It is further alleged that the accused assaulted her husband on his ear, cheek, back, left shoulder and neck and caused an injury below his right knee. Thereafter, the accused allegedly threatened them with dire consequences. Respondent No.2 and her husband are stated to have taken treatment at Anupama Hospital. Hence, respondent No.2 lodged the complaint before respondent No.1-police.

4. On the strength of the said complaint, FIR came to be registered in Crime No.738/2023 dated 13.09.2023 against the petitioners for the offences punishable under Sections 506, 504, 323 and 354 read with Section 149 of the IPC. Upon investigation, respondent No.1-police initially filed a charge-sheet on 09.11.2023 against petitioner Nos.1, 3 and 4, who were arrayed as accused Nos.1 to 3, for the offences punishable under Sections 323, 354, 504 and 506 read with Section 34 of the IPC. Accordingly, the learned Magistrate took cognizance of the said offences against petitioner Nos.1, 3 and 4.

5. Subsequently, upon further investigation, respondent No.1-police filed an additional charge-sheet on 14.06.2024 against petitioner Nos.2, 5, 6 and 7, who were arrayed as accused Nos.4 to 7, for the offences punishable under Sections 143, 147, 323, 324, 354, 504 and 506 read with Section 149 of the IPC. Aggrieved by the same, the petitioners have preferred the present petition.

6. Heard the learned counsel for the petitioner, the learned High Court Government Pleader for respondent No.1 - State and the learned counsel for respondent No.2 - complainant.

7. Apart from urging several other contentions, learned counsel for the petitioners contended that, on perusal of the complaint and charge-sheet averments, it could be gathered that respondent No.2 lodged the complaint out of vengeance arising from the civil dispute between the parties. He further contended that respondent No.2 had earlier lodged a similar complaint, which ended in registration of an NCR, thereby rendering the very genesis of the present case doubtful.

8. It is further contended that there is an inordinate delay in recording the statements of the alleged eyewitnesses and that respondent No.2 has improved her version in her further statement. Initially, the police filed the charge-sheet only against petitioner Nos.1, 3 and 4 and, subsequently, at the instance of respondent No.2, filed an additional charge-sheet against the other accused i.e. petitioner Nos.2, 5, 6 and 7, who have no connection with the alleged incident.

9. Learned counsel further contended that the wound certificates disclose that respondent No.2 and her husband were not admitted to the hospital and were treated only as outpatients. He also contended that, on perusal of the statements of the alleged eyewitnesses, the presence of the petitioners at the spot is doubtful, as they are only chance witnesses to the incident. In such circumstances, learned counsel submitted that the continuation of the proceedings against the petitioners, on the basis of such omnibus allegations, would amount to an abuse of the process of the Court. Accordingly, he prayed to allow the petition.

10 *Per contra*, learned counsel for respondent No.2 contended that the spot mahazar and the statements of the

eyewitnesses specifically attribute overt acts to the petitioners. He further contended that the CCTV footage recovered from the spot of the incident clearly depicts, the presence of the petitioners and their respective overt acts.

11. It is further contended that, initially, the respondent No.1-police had not filed the charge-sheet against petitioner Nos.2, 5, 6 and 7. However, upon perusal of the CCTV footage and finding specific overt acts attributable to them, the respondent No.1-police filed an additional charge-sheet against the said accused persons.

12. Learned counsel further contended that respondent No.2 is not a party to any of the civil disputes, as alleged by the petitioners. He submitted that the statements of the eye witnesses duly corroborate the wound certificates pertaining to respondent No.2 and her husband. According to learned counsel, the material collected by the Investigating Officer *prima facie* discloses the necessary ingredients of the alleged offences against the petitioners and, therefore, no ground is made out for quashing the proceedings. Accordingly, he prayed for dismissal of the petition.

13. Learned High Court Government Pleader appearing for respondent No.1-State opposed the prayer in the petition and prays to dismiss the petition.

14. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties so also perused the entire charge sheet materials.

15. As could be gathered from records, the complaint averments disclose that on 12.09.2023 at about 9.00 p.m., the petitioners picked up a quarrel with respondent No.2 and her husband and thereafter assaulted them. Immediately after the incident, respondent No.2 and her husband are stated to have taken treatment as outpatients at Anupama Hospital. The history of assault recorded therein also refers to the alleged incident.

16. Further, the statements of the eyewitnesses disclose the involvement of the petitioners in the alleged incident. In addition, the CCTV footage recovered by the Investigating Officer depicts the presence of the petitioners and their alleged manhandling of respondent No.2 and her husband.

17. No doubt, there is a delay in recording the statements of the eyewitnesses and an improvement in the subsequent statement of respondent No.2. However, these aspects are matters for consideration and appreciation of evidence in a full-fledged trial. When the charge-sheet material, coupled with the wound certificates and other supporting material, *prima facie* discloses the involvement of the petitioners in the alleged crime, as such, the proceedings cannot be quashed at this stage.

18. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious or oppressive. If the allegations set out in the complaint do not constitute offence of which cognizance has been taken by the magistrate it is open for this Court to quash the same. It is not necessary that a meticulous analysis of case should be done before trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegation therein, in the light of the statement made on oath that the ingredients of the offence are disclosed there would be no justification for this Court to interfere as held in the case of **SAU. KAMAL SHIVAJI**

POKARNEKAR VS. STATE OF MAHARASHTRA AND OTHERS

reported in **2019 (14) SCC 350.**

19. In the instant case, the charge-sheet materials more particularly the statements of eye witnesses and the CCTV footage, *prima facie* disclose the involvement of the petitioners in the offences for which they have been charge-sheeted. The said material requires to be tested in a full-fledged trial. Hence, without expressing any opinion on the merits of the case, I am of the considered view that the proceedings cannot be quashed at this stage. Accordingly, the petition lacks merit and the same is ***dismissed.***

**SD/-
(RAJESH RAI K)
JUDGE**

PKS/K