



CNR: KAHC010546372024

NC: 2026:KHC:49279
CRL.P No. 10821 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 10821 OF 2024

BETWEEN:

MR SHRIKANTH SHETTY
AGED ABOUT 46 YEARS,
S/O. LATE SANJEEVA SHETTY,
NEAR VIJAYA BANK,
SALVADY POST, KUNDAPURA TALUK,
UDUPI DISTRICT-576 222.

...PETITIONER

(BY SRI. NAVEED AHMED, ADVOCATE FOR
SRI. NOORMOHAMMED, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY KUNDAPURA
RURAL POLICE STATION,
THROUGH STATE PUBLIC PROSECUTOR.
HIGH COURT BUILDING
BANGALORE-01
2. MRS. GULABI
W/O. LATE GOVINDA,
AGED ABOUT 60 YEARS,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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RESIDING AT NO. 3/98,
KASANJADDU, KORGICROSS,
HOSAMATA, KORGIVILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT-576 222.

...RESPONDENTS

(BY SRI. MAHESH P, HCGP FOR R1,
R2 NOTICE SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE CHARGE SHEET FILED BY THE 1st RESPONDENT
KUNDAPURA RURAL POLICE IN CR.NO.29/2024 AND
SPL.C.NO.508/2024, FOR AN OFFENCES P/U/S 447,504,506 OF
IPC, SEC. 3(1)(r)(s) AND 3(2)(va) OF SC/ST (POA) ACT, 2015,
IN THE FILE OF THE ADDITIONAL DISTRICT AND SESSIONS
JUDGE SITTING AT KUNDAPURA AT ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking
to quash proceedings against the petitioner - accused in
Spl.C.No.508/2024 (arising out of Crime No.29/2024 of
Kundapura Rural Police Station), for the offences punishable
under sections 504, 506 of IPC and Sections 3(1)(r)(s),



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3(2)(va) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act'), presently pending on the file of Additional District and Sessions Judge at Udupi sitting at Kundapura (for short, 'the learned Special Judge').

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 28.03.2024 alleging that she belongs to the Scheduled Caste community. It is alleged that, on the said date, the petitioner was levelling the land belonging to one Umanath Hegde, who had purchased the property from one Arun Rao in the year 2010. Respondent No.2 claims right over the said property on the ground that the same was granted to her ancestor in the year 1960. It is further alleged that the said property had been purchased by Arun Rao in the year 1977 and that the complainant challenged the said sale before the Assistant Commissioner and the District Commissioner, which proceedings came to be dismissed. Aggrieved by the same, she preferred a writ petition before this Court, which is stated to be pending.



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3. It is further alleged that the petitioner trespassed into the said property and, when questioned by respondent No.2, abused her by referring to her caste and threatened her with dire consequences. Based on the said complaint, respondent No.1-Police registered a case against the petitioner for the offences punishable under Sections 447, 504 and 506 of the IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v-a) of the SC/ST Act.

4. Subsequently, upon completion of the investigation, respondent No.1-Police laid the charge-sheet against the petitioner for the offences punishable under Sections 504 and 506 of the IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v-a) of the SC/ST Act. Accordingly, the learned Special Judge took cognizance of the said offences. Aggrieved by the same, the petitioner has preferred the petition seeking quashing of the proceedings.

5. Heard the learned counsel for the petitioner so also the learned HCGP. Despite service of notice to respondent No.2, she remained absent.



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6. The primary contention of learned counsel for the petitioner is that the petitioner is a total stranger to the dispute between respondent No.2 and Umanath Hegde, the owner of the land. The petitioner, being the owner of a JCB, was merely levelling the land at the instance of Umanath Hegde on the date of the alleged incident. Therefore, there was no reason or occasion for the petitioner to commit the offences alleged in the complaint. It is contended that, owing to the dispute between respondent No.2 and Umanath Hegde, the complaint has been falsely foisted against the petitioner.

7. Learned counsel further contended that respondent No.2 had challenged the sale of the property by her ancestors in favour of Arun Rao in the year 1977, who subsequently sold the same to Umanath Hegde, before the Assistant Commissioner and the District Commissioner, but failed in the said proceedings. Thereafter, she approached this Court by filing a writ petition, which is stated to be pending. It is therefore contended that, in view of the pending property dispute, the complaint against the petitioner is actuated by vengeance.



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8. Additionally, learned counsel contended that, even assuming the alleged incident to be true, the same did not occur in a place within public view. Hence, the ingredients of the offences punishable under the provisions of the SC/ST Act are not attracted. Accordingly, he prays to allow the petition.

9. The petition is opposed by the learned HCGP on the ground that now that charge sheet has been filed and the statement of CWs.2 to 4 reveals that they are the eyewitness to the incident. As such, since a petitioner involved in a heinous crime, the proceeding cannot be quashed. Accordingly, he prays to dismiss the petition.

10. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and perused the entire charge sheet materials.

11. As could be gathered from complaint and charge-sheet materials, admittedly, there is a dispute between respondent No.2-complainant and Umanath Hegde, the owner of the land, in respect of which the alleged incident is stated to have occurred. The records further disclose that the property



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was originally granted to the ancestor of respondent No.2 in the year 1960 and was subsequently sold to one Arun Rao in the year 1977, who, in turn, sold the same to Umanath Hegde. It is the said Umanath Hegde who had engaged the petitioner to level the land using a JCB. The sale transactions have subsequently been challenged by respondent No.2, as stated supra.

12. The petitioner is admittedly an employee of Umanath Hegde and has no connection with respondent No.2 or with the underlying dispute between respondent No.2 and Umanath Hegde. It is also not in dispute that the alleged incident took place in the land belonging to Umanath Hegde. More importantly, the complaint itself discloses that, apart from the complainant and the petitioner, no other person was present at the spot. In such circumstances, the allegation that the incident occurred within public view cannot be accepted, as there is no material to indicate the presence of any member of the public at the place of the alleged incident.

13. The Hon'ble Apex Court in the case of **GUNJAN @ GIRJA KUMARI VS. STATE (NCT OF DELHI AND ANOTHER)**



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reported in **2026 LiveLaw (SC) 484** has held in paragraph No.9 that if the humiliation or abusive utterances as the case may be takes place in a place within public view in the presence of members of the public, then the offence under Section SC/ST Act attracts. Conversely, where such alleged acts are committed at a place which is not within "public view", the offences punishable under Sections 3(1)(r)(s), 3(2)(v-a) of the SC/ST Act are not attracted.

14. In paragraph Nos.9 to 11 of the above judgment reads as under:

"9. Thus, it is trite principle that the FIR becomes liable in law to be quashed when it, in its bare reading, does not disclose the necessary ingredients to constitute the offence alleged therein. The basic constituents of the offence alleged in the FIR must stem and stand disclosed from the contents of the FIR. In order that the FIR alleging any action is sustainable in law to be a good and acceptable document to proceed criminally against any accused named therein or any person to be made accused on its basis, it must manifest and reveal basic ingredient of the offence(s) alleged therein. For an offence to be made out under Sections 3(1)(r) and 3(1)(s) of



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the SC/ST Act, as is the question in the instant case, the requirement that the occurrence has to be "in a place within public view" is not satisfied, is missing and absent.

9.1 It could be said that the occurrence of the incident to become an offence under the SC/ST Act must have happened "in a place within public view", is in a way, a principal requirement amongst the other ingredients. The other aspects namely "intentional insult or intimidation" and "an intent to humiliate", gathers a kind of intensity when the insult, intimidation, humiliation or abusive utterances, as the case may be, takes place in "a place within public view", in the presence of members of the public. The requirement that the place must be one "within public view" can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a sine qua non for making out the offence under the SC/ST Act.

10. This leaves the Court to the charge framed under Section 506 read with Section 34, IPC against all the appellants. As noted hereinabove, the offence of criminal intimidation as defined under Section 503, IPC and made punishable under Section 506, IPC requires that whoever threatens another with any injury to his person,



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reputation or property and when such threat is with the intent to cause alarm to that person, commits criminal intimidation. The "intent to cause alarm" is an pivotal aspect and consideration to judge whether the offence of criminal intimidation is made out or not.

10.1 In the present case, even after closely reading the averments in the complaint, it is difficult to come to the conclusion that the appellants-accused exerted threat with an intent to cause "alarm" to respondent No.2-complainant. The submission could be countenanced that the element of "alarm" to the complainant was "absent". Even otherwise, the offence under Section 506, IPC was alleged against the appellants to conjunct the same with the offence alleged under the SC/ST Act which are not made out.

10.2 As far as the charge under Section 34, IPC is concerned, nothing is suggested either from the facts or attendant circumstances that the appellants-accused had any common intention to do a criminal act and that they acted in furtherance of such common intention. In that view, it would be an abuse of the process of law and would amount to harassment to the appellants to subject them to the criminal



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proceedings in relation to Section 506 read with Section 34, IPC.

11. For the aforesaid reasons and discussion, it is evident that the charge could not have framed and was wrongly framed by the trial court against the appellants-accused for the offences under Sections 3(1) (r) and 3(1)(s) of the SC/ST Act and under Section 506 read with Section 34, IPC. The judgment and orders dated 22.08.2024 passed by the High Court of Delhi, dismissing the Criminal Revision Petition No.114 of 2023 and Criminal Miscellaneous Application No.3181 of 2023, are not sustainable in eye of law."

15. Collocating the aforesaid findings of the Hon'ble Apex Court to the facts and circumstances of the instant case, the same are squarely applicable. Further, on perusal of the statements of the witnesses, except for certain omnibus allegations, no specific overt act or allegation is forthcoming against the petitioner. Admittedly, the materials on record do not disclose the commission of any offences punishable under the provisions of the SC/ST Act against the petitioner.

16. The allegations relating to the other offences, when considered in the backdrop of the material on record, also



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indicate that the complaint against the petitioner appears to have arisen out of the dispute between respondent No.2 and the owner of the land, Umanath Hegde. In such circumstances, the Hon'ble Apex Court, in **MOHAMMED ALI AND OTHERS V. STATE OF U.P.**, reported in **(2023) 15 SCC 488**, has considered the effect of such circumstances and, in paragraphs 11 to 14, held as under:

"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose



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a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar



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engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.” We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal



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proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the



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Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

"5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has



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power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)



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(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction



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under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death.....” (Emphasis supplied)

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of



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2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

17. On careful examination of the above findings of the Hon'ble Apex Court in the above case and applying the same to the facts and circumstances of this case, I am of the considered view that those findings are squarely applicable to the fact and circumstances of this case. It is now settled law that, a false complaint filed in order to tarnish the image of a person and out of vengeance, proceedings cannot be sustained. Moreover, if the entire allegations in the charge sheet taken on its face value also no offences are made out against the petitioner. In such circumstances, the continuation of the proceedings against this petitioner is nothing but an abusive process of Court.

18. In view of the foregoing discussion, I am of the considered opinion that the petitioner/accused has made out a case for quashing of the proceedings. Hence, I proceed to pass the following:



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ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused in Spl.C.No.508/2024 arising out of Crime No.29/2024 registered by Kundapura Rural Police Station for the offence punishable under Sections 504, 506 of IPC and Sections 3(1)(r)(s), 3(2)(v-a) of SC/ST Act, presently, pending on the file of Additional District and Sessions Judge at Udupi sitting at Kundapura, is hereby quashed.

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

CR
List No.: 2 Sl No.: 6