



CNR: KAHC010670192024

NC: 2026:KHC:50862
CRL.P No. 13107 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 13107 OF 2024

BETWEEN:

SR. H. AJITH RAI
S/O BALAKRISHNA RAI
AGED ABOUT 39 YEARS
R/AT NO 4/228, AJJI KALLU MANE
OLAMOGRU
PUTTUR TALUK
D.K DISTRICT-574 210

...PETITIONER

(BY SRI. ARUNA SHYAM.M, SENIOR COUNSEL
SRI. SUYOG HERELE E, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH PUTTUR TOWN POLICE STATION
REPRESENTED BY SPP
HIGH COURT OFG KARNATAKA BUILDING
BENGALURU-560 001



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2. SRI ANANDA S
S/O LATE SANKAPPA MOOLYA
AGED ABOUT 57 YEARS
R/AT PADEEL HOUSE
NEAR KCDC OFFICE
BANNUR VILLAGE,
PUTTUR TALUK
DAKSHINA KANNADA DISTRICT-574 203

...RESPONDENTS

(BY SRI. JAVEED S HCGP FOR R1,
R2 - SERVED, UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.116/2024 INCLUDING THE ORDER OF TAKING COGNIZANCE DATED 09.02.2024, FIR, COMPLAINT AND CHARGE SHEET IN CRIME NO.109/2023 ON THE FILE OF THE LRD. PRL. SR. CIVIL JUDGE AND ACJM, PUTTUR, DAKSHINA KANNADA, FOR THE ALLEGED OFFENCES U/S 448, 504 AND 506 IPC REGISTERED BY RESPONDENT NO.1 PUTTUR TOWN POLICE (PRODUCED AT DOCUMENT NO.1 TO 4).

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



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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 C.C.No.116/2024 (arising out of Crime No.109/2023 of Puttur Town Police Station), pending on the file Prl. Senior Civil Judge and ACJM, Puttur, D.K., (for short, the 'learned Magistrate') for the offences punishable under Sections 448, 504, and 506 of IPC.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 10.11.2023, alleging that on 10.07.2023 at about 3.00 p.m., the petitioner trespassed into the residence of respondent No.2 and threatened and abused his son, namely, Maneesh Kulal. It is further alleged that respondent No.2 came to know about the said incident only on 10.11.2023 and also learnt that, owing to political rivalry, the petitioner and others had hatched a conspiracy to attack his son. Accordingly, respondent No.2 lodged the complaint against the petitioner.



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3. Based on the said complaint, respondent No.1-Police registered an FIR against the petitioner for the offences punishable under Sections 447, 504 and 506 of the IPC. Upon completion of investigation, the respondent No.1-Police filed the charge sheet against the petitioner for the offences punishable under Sections 448, 504 and 506 of the IPC. The learned Magistrate thereafter took cognizance of the said offences. Aggrieved by the same, the petitioner has preferred this petition seeking quashing of the proceedings initiated against him.

4. Heard the learned Senior Counsel for the petitioner and the learned HCGP for respondent No.1-State. Despite service of notice to respondent No.2, he remained absent.

5. Apart from urging several contentions, the learned Senior Counsel for the petitioner primarily contended that there is an inordinate delay of four months in lodging the complaint. He submitted that, according to the complaint averments, the alleged incident occurred on 10.07.2023, whereas the complaint came to be lodged only on 10.11.2023, and no plausible explanation is forthcoming for such delay. He further



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contended that, except for omnibus allegations, no specific overt acts are attributed to the petitioner. It was also submitted that the specific words allegedly used by the petitioner in abusing the complainant are not mentioned in the complaint; however, while filing the charge sheet, specific words of abuse have been attributed to the petitioner.

6. Learned Senior Counsel further contended that, on account of the political rivalry between respondent No.2 and the petitioner, a false complaint has been lodged against the petitioner. He also submitted that the essential ingredients of the offences punishable under Sections 448, 504 and 506 of the IPC are not made out against the petitioner. Accordingly, he contended that, having regard to the allegations in the complaint, coupled with the surrounding circumstances, particularly the unexplained delay in lodging the complaint, continuation of the proceedings against the petitioner would amount to an abuse of the process of law. Hence, he prays to allow the petition

7. *Per contra*, the learned HCGP opposed the prayer of the petitioner contending that the investigation has been



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completed, the charge sheet has been filed, and the statements of the material witnesses have been recorded. Therefore, at this stage, the proceedings ought not to be quashed. Accordingly, he prays for dismissal of the petition.

8. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the entire materials on record.

9. As could be gathered from the complaint averments, the alleged incident occurred on 10.07.2023, whereas the complaint was lodged only on 10.11.2023, after a lapse of four months. It is alleged that the petitioner trespassed into the house of respondent No.2, abused his son and attempted to assault him. However, the said incident was admittedly not brought to the notice of respondent No.2, who is none other than the father of victim - Maneesh Kulal, for a period of four months. Even the said Maneesh Kulal also did not lodge any complaint in respect of the alleged incident.

10. In such circumstances, it is difficult to accept that an alleged incident which took place in the house of respondent



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No.2 against his son, remained unknown to respondent No.2 for a period of four months. It is further relevant to note that the complaint came to be lodged on 10.11.2023 in the backdrop of a dispute between the son of respondent No.2 and another person. The averments in the complaint also disclose that the complainant had merely expressed a suspicion regarding the involvement of the petitioner.

11. Having regard to the aforesaid circumstances, particularly the unexplained delay in lodging the complaint and the absence of specific allegations against the petitioner, I am of the considered view that the essential ingredients of the offences punishable under Sections 448, 504 and 506 of IPC are not made out against the petitioner. Accordingly, the contention urged by the learned Senior Counsel for the petitioner merits acceptance.

12. The Hon'ble Apex Court in the case of ***B.V. Ramkumar vs. State of Telangana***, reported in ***(2025) 3 SCC 475***, while dealing with the similar circumstances, held in paragraph No.24 to 27 held as under,



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"24. Further, this Court in the case of Mohammad Wajid v. State of U.P.,¹¹ while discussing Section 504, IPC, propounded the test for considering the circumstances wherein, an abusive language takes the form and shape of an intentional insult and held thus: (SCC paras 29-31)

"29. Section 504 of the IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the



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purview of the Section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504, IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the



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necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant.” (emphasis supplied)

25. Needless to say, that mere abuse, discourtesy, rudeness or insolence does not amount to an intentional insult within the meaning of Section 504, IPC. Furthermore, it would be immaterial that the person who has been insulted and provoked did not actually break the peace or commit any offence.

26. Section 504, IPC consists of two parts. Firstly, the actus reus- being the intentional insult which gives rise to the provocation. Secondly, the mens rea, i.e., the intention or knowledge on the



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part of the accused that such intentional provocation is likely to cause the person insulted to break public peace or commit any other offence. The animus nocendi in Section 504, IPC is that the accused should 'intentionally insult' the other person with the intention or knowledge that the provocation caused by such insult is likely to result in the commission of breach of public peace or any other offence by the person who has been so insulted. The offence is said to be complete once the accused person makes 'intentional insult' with the aforesaid mens rea. Hence, intention or knowledge on the part of accused person that his actions of making 'intentional insult' have the potential to provoke the person insulted is sine qua non for the commission of the offence under Section 504, IPC.

27. The natural corollary of the above discussion is that if the accused does not intend to give provocation, the offence is not made out. An insult without an 'intention to insult' is not punishable under Section 504, IPC. Further, 'intentional insult' must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence."



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13. Further, the Hon'ble Apex Court in the case of ***Hasmukhlal D. Vora and another vs. State of Tamil Nadu*** reported in **(2022) 15 SCC 164** held that while the inordinate unexplained delay in lodging the complaint is an attending circumstances to evaluate the materials in the complaint and in the charge sheet. In the said judgment, the paragraph Nos.24 to 26 is held as under:

"24. While inordinate delay in itself may not be ground for quashing of a criminal complaint, in such cases, unexplained inordinate delay of such length must be taken into consideration as a very crucial factor as grounds for quashing a criminal complaint.

25. While this court does not expect a full-blown investigation at the stage of a criminal complaint, however, in such cases where the accused has been subjected to the anxiety of a potential initiation of criminal proceedings for such a length of time, it is only reasonable for the court to expect bare-minimum evidence from the Investigating Authorities.

26. At the cost of repetition, we again state that the purpose of filing a complaint and initiating



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criminal proceedings must exist solely to meet the ends of justice, and the law must not be used as a tool to harass the accused. The law, is meant to exist as a shield to protect the innocent, rather than it being used as a sword to threaten them."

14. Collocating the aforesaid findings of the Hon'ble Apex Court in the above cases with the facts and circumstances of the present case, I am of the considered view that the principles laid down therein are squarely applicable to the facts of the instant case. Moreover, as discussed supra, the averments in the complaint disclose that the complainant has merely expressed suspicion regarding the involvement of the petitioner. In such circumstances, continuation of the proceedings against the petitioner would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused in C.C.No.116/2024 (arising out of Crime No.109/2023 of Puttur Town Police Station), the offences



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punishable under Sections 448, 504, and
506 of IPC, presently, pending on the file
Prl. Senior Civil Judge and ACJM, Puttur,
D.K., is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 2 Sl No.: 11