



CNR: KAHC010679152023

NC: 2026:KHC:52104
CRL.P No. 103 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 103 OF 2024

BETWEEN:

1. BASAVARAJU
S/O LATE SIDDIAIAH
AGED 50 YEARS
BANANTHAHALLI VILLAGE
CHANNAPATNA TALUK
RAMANAGARA DIST - 562 160
2. MADHUSUDHNA @ DEVA
S/O BASAVARAJU
AGED 21 YEARS
BANANTHAHALLI VILLAGE
CHANNAPATNA TALUK
RAMANAGARA DIST - 562 160
3. JAYASHEELA
W/O BASAVARAJU
AGED 45 YEARS
BANANTHAHALLI VILLAGE
CHANNAPATNA TALUK
RAMANAGARA DIST - 562 160
4. MANOJ KUMAR @ MANU
S/O BASAVARAJU
AGED 26 YEARS

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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BANANTHAHALLI VILLAGE
CHANNAPATNA TALUK
RAMANAGARA DIST - 562 160

...PETITIONERS

(BY SRI. SREE RAMAREDDY R.V, ADVOCATE)

AND:

1. AKKUR POLICE STATION
CHANNAPATNA TALUK
RAMANAGARA DIST - 562160
REP BY SPP, HIGH COURT
BANGALORE-01
2. SUNIL P
S/O LATE PUTTASIDAIHAH
AGED 31 YEARS,
#01, 1ST D MAIN, MTS LAYOUT
K.S.TOWN, BANGALORE CITY
BANGALORE DIST - 560 060

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
R2 - SERVED, UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH ALL FURTHER PROCEEDINGS AND INVESTIGATION IN
THE CR.NO.225/2023 U/S 341,323,504,506,34 OF IPC OF
AKKUR POLICE REGISTERED AGAINST THE PETITIONERS /
ACCUSED 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 the proceedings against the petitioners - accused Nos.1 to 4 in C.C.No.209/2024 (arising out of Crime No.225/2023 registered by Akkur Police Station), for the offences punishable under Sections 341, 323, 504, 506 r/w Section 34 of IPC, presently pending on the file of Senior Civil Judge and JMFC, Channapatna (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police alleging that, on 26.01.2023 at about 11.45 p.m., when he had gone to his village, namely, Bananthahalli, to receive a survey notice in respect of the property bearing Sy.No.296 situated at Bananthahalli, the petitioners wrongfully confined him, abused him in filthy language, threatened him with his life and assaulted him with their hands. It is further alleged that respondent No.2 informed the Akkur Police about the said



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incident on the same day. However, instead of registering an FIR, the police issued a non-cognizable report and closed the matter after advising both the parties.

3. Thereafter, the petitioners lodged a complaint against respondent No.2 and his family members. Consequently, respondent No.2 again lodged the present complaint on 11.11.2023 before respondent No.1-Police in respect of the incident dated 26.01.2023. Based on the said complaint, the respondent No.1-police registered an FIR against the petitioners for the aforesaid offences. After completion of investigation, the police laid a charge-sheet against the petitioners, arraying them as accused Nos.1 to 4. The learned Magistrate thereafter took cognizance of the offences. Aggrieved by the same, the petitioners have preferred this petition.

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



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5. The primary contention advanced by the learned counsel for the petitioners is that a civil dispute exists between the petitioners and respondent No.2 in respect of the property bearing Sy.No.296 situated at Bananthahalli. It is contended that, on account of the said dispute, both parties have lodged multiple complaints against each other and that the present complaint has been filed only with an intention to give a criminal colour to the existing civil dispute. It is further contended that there is an inordinate delay of about ten months in lodging the present complaint in respect of the alleged incident. Accordingly, he prays to allow the petition.

6. *Per contra*, the learned HCGP opposed the prayer of the petitioners contending that, pursuant to the investigation, the charge-sheet has been filed and the statements of the witnesses disclose the involvement of the petitioners in the commission of the alleged offences. Accordingly, he prays for dismissal of the petition.

7. I have given my anxious consideration to the submission made by the learned counsel for the petitioners and



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learned HCGP for respondent No.1-State and also perused the entire materials on record.

8. As could be gathered from the averments of the complaint, the alleged incident is stated to have occurred on 26.01.2023 at about 11.45 p.m. It is the specific case of respondent No.2 that he had informed the police about the incident on the same day. However, the police registered a non-cognizable report and, after advising both the parties not to indulge in such acts, closed the matter.

9. Subsequently, the petitioners lodged a complaint against respondent No.2 and his family members. It is thereafter that respondent No.2 lodged the present complaint against the petitioners on 11.11.2023. Admittedly, there is a delay of about ten months in lodging the complaint in respect of the alleged incident. Except for omnibus allegations in the complaint and the statements of the witnesses recorded during investigation, there is no specific allegations attributing any particular overt act to the petitioners in the commission of the alleged offences. Further, having regard to the allegations made in the complaint and the material collected during



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investigation, the ingredients of the offences punishable under Sections 504 and 506 of IPC are not made out against the petitioners. In the aforesaid circumstances, the sequence of events and the materials on record *prima facie* indicate that the complaints have been lodged by the respective parties in the backdrop of the existing civil dispute.

10. The Hon'ble Apex Court in the case of **BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT** in **SLP (CrI) No.15537/2023** dated 22.05.2026, held in paragraph Nos.52 to 54 as under:

"52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.

53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of



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Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,¹² namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

11. Further, 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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12. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, I am of the considered view that the continuation of the proceedings against these petitioners-accused Nos.1 to 4 is nothing but abuse of process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners - accused No.1 to 4 in C.C.No.209/2024 (arising out of Crime No.225/2023 registered by Akkur Police Station), for the offences punishable under Sections 341, 323, 504, 506 r/w Section 34 of IPC, presently pending on the file of Senior Civil Judge and JMFC, Channapatna, is hereby quashed.

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

CR/List No.: 1 SI No.: 16