



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 14664 OF 2025

BETWEEN:

1. SMT.JYOTHI R.R.,
AGED ABOUT 58 YEARS,
D/O LATE SRI RAMANAND R.,
NO.337/1A, 14TH MAIN, 3RD CROSS,
MCC B BLOCK,
DAVANAGERE – 577 004
MOBILE NO. 9945922688
2. SMT. NIKHILA DEERAJ
AGED ABOUT 35 YEARS,
W/O SRI DHEERAJ VEMALA,
NO.337/1A, 14TH MAIN, 3RD CROSS,
MCC B BLOCK,
DAVANAGERE – 577 004.

Digitally signed
by
PADMAVATHI
B K

Location: High
Court of
Karnataka

...PETITIONERS

(BY SRI BALARAM M.L., ADVOCATE)

AND:

1. STATE BY EXTENTION POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR,



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

HIGH COURT OF KARNATAKA,
BENGALURU.

2. MS.M.K.KAVYA
D/O SRI KARIBASAPPA,
AGED ABOUT 25 YEARS,
NO.3371/A2B2, 14TH MAIN,
3RD CROSS, MCC B BLOCK,
DAVANAGERE – 577 004.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI RAMAKRISHNA N., ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 528 OF BNSS, PRAYING TO
a) QUASH THE ORDER OF COGNIZANCE TAKEN BY THE
LEARNED II ADDL. CIVIL JUDGE AND JMFC, DAVANAGERE,
DATED 14.08.2025 IN CC.NO.6030/2025, PRODUCED AS
ANNEXURE-A; b) CONSEQUENTLY TO QUASH THE ENTIRE
PROCEEDINGS IN CC.NO.6030/2025, PENDING BEFORE THE
HONBLE II ADDL. CIVIL JUDGE AND JMFC, AT DAVANAGERE;
c) TO ALLOW THE PETITION.

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



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners/accused Nos.1 and 2 stand at the doors of this Court calling in question the proceedings in C.C.No.6030 of 2025 (Crime No.56 of 2025) for offences punishable under Sections 115(2), 351(2), 352, 126(2) r/w Section 3(5) of the BNS.

2. Heard Sri Balaram M. L., learned counsel appearing for petitioner, Smt Rashmi Patel, learned High Court Government Pleader appearing for respondent No.1 and Sri Ramakrishna N., learned counsel appearing for respondent No.2.

3. Facts adumbrated are as follows:

The dispute principally is between these petitioners and one Darshan and Nandan, the husband and the son of the 1st petitioner respectively. The fulcrum of the subject *lis* emerges on 21-02-2023 when the 1st petitioner seeks to register a crime against the husband and son in Crime No.53 of 2023 and the



CNR: KAHC010691482025

police after investigation have filed charge sheet for offences punishable under Sections 504, 323, 498A, 506 and 34 of the IPC in C.C.No.6744 of 2023. Two other crimes are also registered by the 1st petitioner against her husband and son in Crime No.142 of 2023 and 76 of 2024, wherein in both the cases police have filed the charge sheet in C.C.Nos.2653 of 2024 and 5512 of 2025 respectively. It is the allegation of the petitioners that to retaliate, her husband and son through the 2nd respondent have registered a case in Crime No.56 of 2025 for the offences punishable under Sections 115(2), 351(2), 352, 74 r/w 3(5) of the BNS. The police after investigation have filed a charge sheet in C.C.No.6030 of 2025 for the offence punishable under Sections 115(2), 126(2), 351(2), 352 r/w 3(5) of the BNS. In the charge sheet the offence punishable under Section 74 of the BNS comes to be dropped. The filing of the charge sheet has driven these petitioners to this Court in the subject petition.

4. The learned counsel appearing for the petitioners would vehemently contend that the complainant has registered



CNR: KAHC010691482025

a crime on an incident that has never happened. The allegation is that these petitioners go near the house of the complainant and take a photograph of her from a distance, which is alleged as stalking and an altercation between the two happened at the time of taking those pictures, therefore the offence under Section 115 of the BNS has emerged. The learned counsel appearing for the petitioners submits that the husband of the 1st petitioner is instrumental in getting this complaint registered, as the complainant is an intern in the office of the advocate who represents the husband of the 1st petitioner. He would submit that this is a story woven to malign the name of these petitioners and to harass them.

5. The learned counsel appearing for the 2nd respondent/complainant would submit that the petitioners in fact came near the house of the complainant, a stranger to these proceedings and took a picture. Therefore, it amounts to stalking and also alleged that the clothes of the complainant were torn in the presence of her boyfriend. Therefore, it amounts to offence under Section 74 of the BNS and would seek dismissal of the petition.



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

6. The learned High Court Government Pleader would also toe the lines of the learned counsel appearing for the 2nd respondent/complainant and seeks dismissal of the petition.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The issue lies in a narrow compass. The 2nd respondent/complainant admittedly is a stranger to the proceedings. The proceedings are between the husband and the wife/1st petitioner. The issue, in the case at hand, springs from a complaint so registered by the complainant. Complaint so registered by the 2nd respondent/complainant reads as follows:

“ಇವರಿಗೆ

ಮಾನ್ಯ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ರವರು
ಬಡಾವಣೆ ಪೋಲೀಸ್ ಠಾಣೆ
ದಾವಣಗೆರೆ.

ಇಂದ

ಕಾವ್ಯ H.K

D/o ಕರಿಬಸಪ್ಪ M.V.,
ಕಾನೂನು ಪದವಿ ವಿದ್ಯಾರ್ಥಿ
R/o #3371/A2B2



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

14th Main, 3rd Cross
M.C.C. ' B' Block
Kuvempu Nagar
Davangere
8618510050

ವಿಷಯ: ಅನರ್ಥೀಕೃತವಾಗಿ ನನ್ನ ಫೋಟೋಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಅವಾಚ್ಯ
ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ, ಹಲ್ಲೆ ಮಾಡಿ ನನ್ನ ಉಟ್ಟ ಬಟ್ಟೆಗಳನ್ನು ಎಳೆದಾಡಿ
ಹರಿದು ನನ್ನ ಮಾನಭಂಗ ಮಾಡಿದವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತಿಯ
ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಬಗ್ಗೆ

ಮಾನ್ಯರೇ,

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ನಿನ್ನ ಸಂಜೆ ಅಂದರೆ ದಿ:15/03/2025ರ
ಸಂಜೆ ಸಮಯ ಸುಮಾರು ಸಂಜೆ 7:15 ಕ್ಕೆ ನನ್ನ ಮನೆಯ ಹತ್ತಿರ ಇರುವಾಗ ನನ್ನ ಮನೆಯ ಹತ್ತಿರ
ಇರುವ ಜ್ಯೋತಿ RR ಹಾಗೂ ಅವರ ಮಗಳಾದ ನಿಖಿಲಾ ರವರುಗಳು ಏಕಾಏಕೀ ಬಂದು, ನಾನು
ನನ್ನ ಕಾಲೇಜು ಸಹಪಾಠಿ ಕಾಲೇಜು ವಿಚಾರವಾಗಿ ಮಾತನಾಡಿಕೊಂಡು ನಿಂತಿರುವಾಗ ಮೇಲೆ
ಹೇಳಿರುವವರು ನನ್ನ ಫೋಟೋವನ್ನು ನನಗೆ ಕೇಳದೆ ತೆಗೆದು ನಂತರ ನನಗೆ ಅವಾಚ್ಯ
ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸುತ್ತಾ ನಡು ರಸ್ತೆಯಲ್ಲಿ ಕಾರಣ ಇಲ್ಲದೇ, ನನ್ನ ಮೇಲೆ ಅವರ ಕೈಕಾಲುಗಳಿಂದ
ಹಲ್ಲೆ ಮಾಡಿ ನಾನು ಉಟ್ಟ ಬಟ್ಟೆಗಳನ್ನು ಅವರ ಕೈಗಳಿಂದ ಎಳೆದಾಡಿ ಹರಿದು ನಡು ರಸ್ತೆಯಲ್ಲಿ
ನನ್ನ ಮಾನವನ್ನು ಭಂಗ ಮಾಡಿರುತ್ತಾರೆ ಹಾಗಾಗಿ ನಾನು ಅವರು ನನಗೆ ಕೊಟ್ಟ ಹಿಂಸೆಯನ್ನು
ತಾಳಲಾರದೆ ಕೂಗಾಡಿದ್ದಕ್ಕೆ ನನಗೆ ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಗೆ, ನಿನ್ನನ್ನು ಮುಗಿಸಿಬಿಡುತ್ತೇವೆ ಎಂದು
ಸದರಿ ವ್ಯಕ್ತಿಗಳು ಹೇಳುತ್ತಾ ಕಿರುಚಾಡಿ ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿ ಹೋಗಿರುತ್ತಾರೆ ಸದರಿಯವರು
ಇದಕ್ಕೂ ಮುಂಚೆ ನನ್ನ ಮೇಲೆ ಅವರ ಕಾರ್ Honda Jazz KA17 N 3635 ಗಾಡಿಯನ್ನು ನನ್ನ
ಮೇಲೆ ಹತ್ತಿಸಲು ಪ್ರಯತ್ನಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಐದಾರು ಬಾರಿ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ ಪ್ರಾಣ
ಬೆದರಿಕೆ ಒಡ್ಡಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿಯವರು ವಿನಾಕಾರಣ ಯಾವುದೇ ಸಕಾರಣಗಳಿಲ್ಲದೇ ನನ್ನ
ಮೇಲೆ ತೇಜೋವದೆ, ಮಾನಭಂಗ ಹಾಗೂ ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕುತ್ತಿರುವುದು ಹಾಗೂ ನನ್ನ
ಮನೆತನದ ಗೌರವವನ್ನು ಹಾಳು ಮಾಡುತ್ತಿರುವವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತ್ಯಾ ಕ್ರಮ ಜರುಗಿಸಿ,
ಸೂಕ್ತ ಪ್ರಾಣ ರಕ್ಷಣೆ ಅವರಿಂದ ನನಗೆ ನೀಡಬೇಕು ಹಾಗೂ ನಿನ್ನ ಸಂಜೆ ಅಂದರೆ ದಿನಾಂಕ
15/3/2025ರ ಸಂಜೆ ಸದರಿ ವ್ಯಕ್ತಿಗಳು ಅವರ ಮೊಬೈಲ್ ನಿಂದ ತೆಗೆದಿರುವ ನನ್ನ ಫೋಟೋ
ಹಾಗೂ ವಿಡಿಯೋಗಳನ್ನು ದುರ್ಬಳಕೆ ಮಾಡಿಕೊಳ್ಳುವ ಅನುಮಾನವಿದ್ದು ಅವುಗಳನ್ನು ಕೂಡಲೇ
ಅವರ ಮೊಬೈಲ್ ಹಾಗೂ ಶೇರ್ ಆಗಿರುವ ಮೊಬೈಲ್ ಅಥವಾ ಕಂಪ್ಯೂಟರ್ ಗಳಿಂದ ಡಿಲೀಟ್
ಮಾಡಿಸಬೇಕಾಗಿ ತಮ್ಮಲ್ಲಿ ಪ್ರಾರ್ಥಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದು ಹಾಗೂ ಸದರಿಯವರ ವಿರುದ್ಧ ಸರಿಯಾದ
ಕಾನೂನು ರೀತ್ಯಾ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ ಹಾಗೂ ಈ ಘಟನೆಯನ್ನು
ಮನೆಯಲ್ಲಿ ವಿಚಾರ ಮಾಡಿ ಇಂದು ತಡವಾಗಿ ರಾಣಿಗೆ ಬಂದು ದೂರನ್ನು ನೀಡುತ್ತಿದ್ದೇನೆ."



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

The police conduct investigation and file a charge sheet. In the charge sheet, the offence punishable under Section 74 of the BNS comes to be dropped. The summary of the charge sheet as obtaining in column no.17 reads as follows:

“17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ದಿನಾಂಕ:15-03-2025 ರಂದು ಸಂಜೆ 07-15 ಗಂಟೆಯಲ್ಲಿ ದಾವಣಗೆರೆ ಬಡಾವಣೆ ಪೊಲೀಸ್ ಠಾಣೆ ಸರಹದ್ದಿನ 14ನೇ ಮೇನ್, 3ನೇ ಕ್ರಾಸ್ ನಲ್ಲಿರುವ ಡೋರ್ ನಂಬರ್ 3371/14 ನ ಮನೆಯ ಮುಂಭಾಗದ ರಸ್ತೆಯಲ್ಲಿ ದೋಷಾರೋಪಣ ಪಟ್ಟಿ ಕಾಲಂ-14 ರಲ್ಲಿ, ನಮೂದಿಸಿದ ಸಾಕ್ಷಿ-1 ಮತ್ತು ಸಾಕ್ಷಿ-4 ರವರು ಮಾತನಾಡುತ್ತಿರುವಾಗ ಕಾಲಂ ನಂಬರ್ 12 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಆರೋಪಿ-1 ರವರು ಪೋಟೋ ತೆಗೆದಿದ್ದಕ್ಕೆ ಸಾಕ್ಷಿ-1 ರವರು ಆರೋಪಿ-1 ರವರಿಗೆ ಯಾಕೆ ಪೋಟೋ ತೆಗೆದಿರಿ ಅಂತ ಕೇಳಿದಕ್ಕೆ ಆರೋಪಿ-1 ಮತ್ತು ಆರೋಪಿ-2 ರವರು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು, ರಸ್ತೆಯಲ್ಲಿ ತಡೆದು ನಿಲ್ಲಿಸಿಕೊಂಡು ಕೈಗಳಿಂದ ಸಾಕ್ಷಿ-1 ರವರ ಕಪಾಳಕ್ಕೆ, ಮೈ-ಕೈಗೆ ಹೊಡೆದು ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯವನ್ನುಂಟು ಮಾಡಿ, ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿರುವುದು ಇದುವರೆಗೂ ಕೈಗೊಂಡ ತನಿಖೆಯಿಂದ ಆರೋಪ ಸಾಬೀತಾದ ಮೇರೆಗೆ ಆರೋಪಿತರ ವಿರುದ್ಧ ಮೇಲ್ಕಂಡ ಕಲಂಗಳ ಅನ್ವಯ ದೋಷಾರೋಪಣ ಪಟ್ಟಿ ಸಲ್ಲಿಸಿರುತ್ತದೆ.”

The offences alleged are the ones punishable for hurt and criminal intimidation. A perusal at the complaint or the summary of the charge sheet or even the statements recorded by the witnesses would not indicate the ingredients of offence of hurt or criminal intimidation punishable under Sections 115(2), 351(2) and 352 of the BNS. The offences are loosely laid against the petitioners.



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

9. At this juncture, it becomes apposite to notice the law laid down by the Apex Court, interpreting the aforesaid provisions.

9.1. Section 115(2) of the BNS punishes the offence of voluntarily causing hurt, which corresponds to Section 323 of the IPC. The Apex Court in the case of **MADHUSHREE DATTA v. STATE OF KARNATAKA**¹, while discussing the ingredients of the offence punishable under Section 323 of the IPC, observes as follows:

"..... .."

Section 323IPC

17. To determine what are the ingredients of the offence under Section 323IPC, it is important to read Sections 319, 321 and 323 together.

18. What emerges on a conjoint reading of the aforementioned provisions is that, for a conviction under Section 323IPC, there must be a voluntary act of causing hurt i.e. bodily pain, disease, or infirmity, to another person. Therefore, it is essential that actual hurt is caused.

19. Turning to the facts of the case, the complaint merely states that the complainant was forcibly ejected from the Company's office by security personnel, who allegedly attempted to assault, physically harass, and

¹ (2025) 3 SCC 612



CNR: KAHC010691482025

threaten her with dire consequences. Therefore, the complaint does not directly attribute any voluntary act of causing hurt to the complainant by any of the two accused.

20. Furthermore, the charge-sheet reiterates the similar version set forth in the complaint, stating that the complainant was forcibly thrown out of the office by the security personnel. While the actions of the security personnel could potentially constitute an offence of causing hurt, they are neither named in the complaint nor figure as accused in the charge-sheet. Having said that, the appellants cannot be said to have foreseen or anticipated the actions of the security personnel in such a manner that would render them co-perpetrators of the offence. Hence, there is no basis for the prosecution to set forth the concept of liability of the employer or for the overt acts of its employees in this matter.

21. In the light of the abovementioned discussion, we are of the considered opinion that the ingredients of offence under Section 323IPC have not been made out, prima facie, either in the complaint or the charge-sheet.

The Apex Court holds that for an offence under Section 323 of the IPC to be made out, it is essential that actual hurt must be caused.

9.2. Sections 351(2) and 352 of the BNS deal with the offence of criminal intimidation. The corresponding provisions under the earlier regime are Sections 503 and 506 of the IPC. The Apex Court in the case of **MOHD. WAJID v. STATE OF**



CNR: KAHC010691482025

NC: 2026:KHC:36190
CRL.P No. 14664 of 2025

U.P.², while interpreting Section 503, 504 and 506 of the IPC observes as follows:

" "

Sections 503, 504 and 506 IPC

25. Chapter XXII IPC relates to criminal intimidation, insult and annoyance. Section 503 reads thus:

"503. Criminal intimidation.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation."

26. Section 504 reads thus:

"504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

27. Section 506 reads thus:

² (2023) 20 SCC 219



CNR: KAHC010691482025

"506. *Punishment for criminal intimidation.*—

Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

28. An offence under Section 503 has the following essentials:

- (1) Threatening a person with any injury;**
 - (i) to his person, reputation or property; or**
 - (ii) to the person, or reputation of any one in whom that person is interested.**
- (2) The threat must be with intent;**
 - (i) to cause alarm to that person; or**
 - (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or**
 - (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.**

29. Section 504 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



CNR: KAHC010691482025

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 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 necessary element of being likely to incite the person insulted to commit a breach of the peace or 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. In *King Emperor v. Chunnibhai Dayabhai* [*King Emperor v. Chunnibhai Dayabhai*, (1902) 4 Bom LR 78], a Division Bench of the Bombay High Court pointed out that:



CNR: KAHC010691482025

"To constitute an offence under Section 504 IPC it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."

(emphasis supplied)

32. A bare perusal of Section 506 IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

33. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 IPC may probably could be said to have been disclosed but not under Section 504 IPC. The allegations with respect to the offence punishable under Section 504 IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR.

34. One of the essential elements, as discussed above, constituting an offence under Section 504 IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present."

(Emphasis supplied at each instance)

10. In the light of them not making out any offence, permitting further proceedings against the petitioners would



CNR: KAHC010691482025

become an abuse of the process of the law and result in miscarriage of justice.

11. For the aforesaid reasons, the following:

ORDER

- (i) Criminal Petitions are **allowed**.
- (ii) Proceedings in C.C.No.6030 of 2025 pending before the II Additional Civil Judge and JMFC, Davanagere stand quashed *qua* the petitioners.

Consequently, I.A.No.1 of 2025 also stands disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

BKP
List No.: 2 Sl No.: 96