



CNR: KAHC010741352025

NC: 2026:KHC:50487
CRL.P No. 15681 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO.15681 OF 2025

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. RONALD SANJEEVA WATSON @ RONI
S/O G I. WATSON,
AGED ABOUT 66 YEARS,
2. RENITA SNEHALATHA WATSON @ RENITA
W/O RONALD SAJEEVA WATSON,
AGED ABOUT 51 YEARS,

BOTH THE PETITIONERS ARE
R/AT NO.18-100B PAVITHRA,
KARNAD, MANGALORE,
D.K. DISTRICT-574 154.

...PETITIONERS

(BY SRI. M.R. BALAKRISHNA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY MULKI POLICE STATION,
MANGALURU CITY,
REPRESENTED BY ITS STATE PUBLIC POSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.
2. JAMEELA
D/O HANEEF,
AGED ABOUT 45 YEARS,
R/AT K.S. RAO NAGAR,
KARNAD GRAMA, MULKI TALUK,

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D.K. DISTRICT-576 201.

...RESPONDENTS

(BY SRI. RANJITHKUMAR N., HCGP., FOR R.1;
R.2: SERVED.)

THIS CRL.P. IS FILED UNDER SECTION 482 OF CR.P.C. (FILED U/S.528 OF BNSS), PRAYING TO QUASH THE FIR AND COMPLAINT IN CRIME NO.97/2025 NOW PENDING ON THE FILE OF HON'BLE SENIOR CIVIL JUDGE AND JMFC., MOODABIDRI, D.K.DISTRICT., FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 74, 331, 351, 352 R/W 3(5) OF BNS, 2023 BY THE 1ST RESPONDENT/MULKI PS., ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

- a. *Call for the entire records in crime No.97/2025 now pending on the file of Hon'ble Senior Civil Judge and JMFC, Moodabidri, D.K. District., for the alleged offences punishable under Section 74, 331, 351, 352 r/w 3(5) of BNS, 2023 by the 1st Respondent/Mulki PS.*
- b. *Quash the FIR and Complaint in crime No.97/2025 now pending on the file of Hon'ble Senior Civil Judge and JMFC, Moodabidri, D.K. District., for the alleged offences punishable under Section 74, 331, 351, 352 r/w 3(5) of BNS, 2023, by the 1st Respondent/Mulki PS.*
- c. *Pass such other relief/reliefs as this Hon'ble court deems fit in the facts and circumstances of the present case in the interest of justice and equity.*

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2. The petitioner is the owner of the premises, and respondent No.2 is the tenant thereof. Respondent No.2 lodged a complaint alleging that, on 09.09.2025, the petitioners entered the house in her occupation, used unparliamentary and abusive language against her and directed her to vacate the premises immediately. It is further alleged that the petitioners threatened respondent No.2 and, on that basis, sought intervention by the police. Pursuant to the said complaint, FIR in Crime No.97/2025 came to be registered by Mulki Police Station, Mangaluru, on 12.09.2025 for the offences punishable under Sections 74, 331, 351 and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS', for short). The said FIR is called in question in the present proceedings.
3. Sri M.R. Balakrishna, learned counsel for the petitioners, would submit that the dispute between the parties is essentially one between a landlord and tenant. It is submitted that respondent No.2 had been called upon to vacate the premises and, as she had not done so, the petitioners visited the premises on 09.09.2025 to request her to vacate the same. Learned counsel submits that respondent No.2 was, in fact, in the process of vacating the premises and that possession was handed over on the same day. According to him, notwithstanding the



NC: 2026:KHC:50487
CRL.P No. 15681 of 2025

CNR: KAHC010741352025

aforesaid circumstances, respondent No.2 lodged the complaint on 12.09.2025 alleging commission of the offences aforesaid.

4. His submission is that the complaint is a consequence of the dispute concerning vacation of the premises and that the allegations have been made only because the petitioners had called upon respondent No.2 to vacate the property. It is contended that, even accepting the allegations in the complaint in their entirety, the ingredients of the offences alleged are not made out.
5. Notice having been issued to respondent No.2 and the same having been duly served, respondent No.2 has chosen to remain unrepresented.
6. Heard Sri M.R. Balakrishna, learned counsel for the petitioners, and Sri Ranjith Kumar N., learned HCGP appearing for respondent No.1. Perused the material on record.
7. The complaint, when read in its entirety, discloses that the petitioners are the owners of the premises and that respondent No.2 was occupying the same as their tenant. The complaint further indicates that there was a dispute between the parties concerning payment of rent and that the petitioners had called upon respondent No.2 to vacate the premises.

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8. It is further alleged that, on 09.09.2025, the petitioners contacted respondent No.2 over the telephone and again asked her to vacate the premises and that, at about 8.00 p.m. on the same day, they visited the premises to ascertain whether respondent No.2 had vacated the same. Significantly, the complaint itself states that respondent No.2 was then in the process of vacating the premises.
9. The allegations which are sought to be given a criminal complexion are that, during the said visit, the petitioners used unparliamentary and abusive language, forcibly entered the premises and threatened respondent No.2. The question is whether these allegations, taken at their face value and considered in the factual setting in which they are made, disclose the ingredients of the offences invoked in the FIR.
10. At the outset, the fact that the petitioners are the owners of the premises cannot, by itself, authorise them to enter premises which are in the lawful possession of their tenant. Ownership and possession are distinct concepts, and a landlord cannot ordinarily disregard the tenant's possessory rights merely by relying upon ownership.
11. At the same time, the existence of a tenancy does not mean that every entry by the landlord into the premises would necessarily constitute criminal house-trespass. The



CNR: KAHC010741352025

NC: 2026:KHC:50487
CRL.P No. 15681 of 2025

statutory ingredients of the offence, including the requisite intention accompanying the entry, have to be satisfied. The Court must therefore examine the nature and circumstances of the alleged entry.

12. In the present case, the circumstances pleaded in the complaint itself assume significance. The petitioners had admittedly called upon respondent No.2 to vacate the premises. The complaint further states that, on 09.09.2025, respondent No.2 was in the process of vacating the premises and that the petitioners came there at about 8.00 p.m. to ascertain whether the premises had been vacated.
13. The alleged entry, therefore, cannot be viewed in isolation. It occurred in the immediate context of the tenant vacating the premises, after the petitioners had already called upon her to do so. The complaint does not disclose any independent circumstance suggesting that the petitioners entered the premises with an intention to commit an offence therein or to intimidate, insult or annoy respondent No.2.
14. The allegation of house-trespass, therefore, cannot be sustained merely on the basis that the premises were then in the occupation of respondent No.2. The possession of the tenant is relevant, but the prosecution must additionally establish the statutory ingredients of

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CNR: KAHC010741352025

the offence. On the allegations contained in the complaint itself, the petitioners' visit was connected with the vacation of the premises and the ascertainment of whether respondent No.2 had vacated the property.

15. In the absence of any specific factual allegation disclosing the requisite criminal intent accompanying such entry, the allegation of house-trespass would not, by itself, be sufficient to sustain the prosecution.
16. Insofar as the allegation of criminal intimidation under Section 351 of the BNS is concerned, the complaint alleges that the petitioners threatened respondent No.2. However, a mere use of the expression "threatened", without setting out the substance and circumstances of the alleged threat and without disclosing the necessary intention contemplated by the statutory provision, cannot automatically constitute the offence of criminal intimidation.
17. The complaint, read as a whole, essentially alleges that the petitioners asked respondent No.2 to vacate the premises. Such a demand, even if made in an unpleasant or forceful manner, would not by itself constitute criminal intimidation unless the further statutory requirements are disclosed.
18. The allegation concerning abusive or unparliamentary language also requires consideration in the context of the



CNR: KAHC010741352025

specific offence invoked. Mere use of offensive or unpleasant words, without the other circumstances and intention required by the relevant statutory provision, cannot automatically result in criminal liability. The complaint does not set out sufficient factual particulars to demonstrate that the alleged words, in the circumstances in which they were used, satisfy the ingredients of the offences alleged under the BNS.

19. The allegation under Section 74 of the BNS also requires the foundational facts necessary to bring the alleged conduct within the scope of that provision. A bald allegation of abusive behaviour, without the specific factual circumstances necessary to attract the provision, cannot by itself sustain the criminal prosecution.
20. Likewise, the allegation under Section 331 of the BNS has to satisfy the statutory ingredients of that offence. The complaint does not disclose facts which, even if accepted in their entirety, establish the ingredients of the said offence merely because the petitioners entered the premises during the process of vacation.
21. Section 3(5) of the BNS embodies the principle of joint liability where a criminal act is done by several persons in furtherance of the common intention of all. The invocation of the provision is consequential in nature. It does not, by itself, constitute a substantive offence.



CNR: KAHC010741352025

Unless the substantive offence is first disclosed against the petitioners and the complaint contains material indicating the common intention contemplated by the provision, Section 3(5) cannot independently sustain the prosecution.

22. Another circumstance which cannot be ignored is the chronology pleaded by the complainant herself. The alleged incident occurred on 09.09.2025 in the course of the vacation of the premises. According to the petitioners, possession was handed over on the same day, and the complaint came to be lodged on 12.09.2025.
23. The mere fact that a complaint was lodged after the alleged incident would obviously not, by itself, render the complaint false or legally untenable. However, the sequence of events is relevant when the allegations are considered along with the admitted landlord-tenant relationship, the prior demand for vacation and the fact that respondent No.2 was already in the process of vacating the premises.
24. This Court is conscious that, at the stage of considering a challenge to an FIR, disputed questions of fact ordinarily ought not to be adjudicated. This Court is required to proceed on the allegations as contained in the complaint/FIR. However, where the allegations, even if



CNR: KAHC010741352025

accepted in their entirety, fail to disclose the essential ingredients of the offences alleged, continuation of the criminal proceedings would not be justified.

25. In the present case, even accepting the complaint at its face value, the essential circumstance emerging therefrom is that the petitioners, being the owners of the premises, had called upon their tenant to vacate the same and thereafter visited the premises at a time when the tenant was admittedly in the process of vacating it. The allegations of abusive language, forcible entry and threat arise out of that very circumstance.
26. The complaint does not disclose the foundational facts necessary to establish that the petitioners entered the premises with the requisite intention to commit house-trespass, nor does it disclose the necessary ingredients of criminal intimidation or the other offences invoked in the FIR.
27. The dispute between the parties may give rise to rights and liabilities in the context of the tenancy, including the manner in which possession was sought and delivered. Such issues may be examined by the competent forum, if necessary. However, the existence of a landlord-tenant dispute cannot, without the necessary ingredients of a criminal offence being made out, justify the continuation of criminal proceedings.



CNR: KAHC010741352025

NC: 2026:KHC:50487
CRL.P No. 15681 of 2025

28. On a holistic consideration of the complaint and the material placed before this Court, this Court is of the considered opinion that the allegations, even if taken at their highest, do not disclose the essential ingredients of the offences punishable under Sections 74, 331, 351 and 352 of the BNS. The invocation of Section 3(5) of the BNS, being dependent upon the commission of a substantive criminal act in furtherance of common intention, consequently cannot independently sustain the proceedings.
29. In the circumstances, permitting the criminal proceedings to continue would amount to subjecting the petitioners to criminal prosecution notwithstanding the absence of the foundational facts necessary to constitute the offences alleged. The case, therefore, falls within the parameters in which interference under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, would be warranted.
30. In that background, this court passes the following:

ORDER

- i. Criminal petition is **allowed**.
- ii. The proceedings in Crime No.97/2025 pending on the file of Senior Civil Judge and JMFC, Moodabidri, D.K. District, is quashed.

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CNR: KAHC010741352025

NC: 2026:KHC:50487
CRL.P No. 15681 of 2025

- iii. It is made clear that this Court has not adjudicated upon the civil rights or liabilities of the parties arising out of the tenancy, including any claim relating to rent, possession or the manner of vacation of the premises. Such issues, if any, are left open to be considered by the competent forum in accordance with law.

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(SURAJ GOVINDARAJ)
JUDGE

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