HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO. 9150 OF 2024 (482(Cr.PC) / 528(BNSS)

BETWEEN:

1. MAHAMMED MURTHUJA,
S/O ABDUL REHAMAN,
AGED ABOUT 55 YEARS,
RESIDING AT JOHARA ESTATE,
CHANDRAPURA VILLAGE,
CHKKAMAGALURU,
KARNATAKA – 577 550

2. RASHIDA BANU
W/O MOHAMMED MURTHUJA,
AGED ABOUT 39 YEARS,
RESIDING AT JOHARA ESTATE,
CHANDRAPURA VILLAGE,
CHKKAMAGALURU
KARNATAKA – 577 550

…PETITIONERS

(BY SRI. KALEEM SABIR, ADVOCATE)

AND:

Digitally signed by CHANDANA B M
Location: High Court of Karnataka

1. STATE OF KARNATAKA BY
GONIBEEDU POLICE,
CHICKMAGALURU – 577 550
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 029

2. MAHESHA B. C.,
S/O CHENNEGOWDA,
AGED ABOUT 58 YEARS,
RESIDING AT SARAGODU VILLAGE,
KUNDUR POST, KHANDYA HOBLI,
CHIKKAMAGALURU DISTRICT,
KARNATAKA, PIN – 577 124

…RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1;
R2 - SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE PROCEEDINGS INITIATED AGAINST HIM IN C.C.NO.74/2024 ON THE FILE OF THE HON'BLE SENIOR CIVIL JUDGE AND J.M.F.C MUDIGERE COURT, WHICH IS ARISING OUT OF CRIME NO. 69/2023 OF GONIBEEDU P.S. CHIKKAMAGALURU FOR OFFENCE PUNISHABLE UNDER SECTION 341, 504, 506 R/W 34 OF IPC AS AN ABUSE OF PROCESS OF LAW.

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

CORAM: HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioners seek for the following reliefs:

a) Quash the proceedings initiated against him in C.C.No.74/2024 on the file of the Hon'ble Senior Civil Judge and JMFC Mudigere Court, which is arising out of Crime NO.69/2023 of Gonibeeddu Police Station, Chikamagaluru for the offences punishable under Sections 341, 504, 506 read with Section 34 of IPC as an abuse of process of law and

b) Grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, in the ends of justice."

2. Heard learned counsel for the petitioners and learned HCGP for respondent No.1 and perused the material on record.

3. Though respondent No.2 is served with notice, he has remained unrepresented and has not chosen to contest the petition.

4. A perusal of the material on record will indicate that it is the case of the prosecution that when the complainant was taking care of his coffee plantation, the petitioners along with other accused persons came to the said plantation of the complainant and took sand, iron wire, and stones from the petitioner's land and thereby causing monetary loss to the respondent No.2-complainant and apart from the aforesaid acts, the petitioners herein alleged to have threatened the life of respondent No.2/complainant. Pursuant to the said incident, the Complainant filed PCR dated 12.10.2023 alleging offences punishable under Sections 447, 427, 504, 506, 379 read with Section 34 of IPC. In pursuance of the same, the respondent No.1 – Police registered FIR in Crime No.69/2023, which is currently pending in CC No.74/2024 before the Trial Court. Aggrieved by the same, the petitioners are before this Court by way of the present petition.

5. A perusal of the material on record comprising of the complaint, FIR, charge sheet material, statement of witness,

documents and etc., will clearly indicate that the same do not disclose the commission of the alleged offences. Under these circumstances, I am of the considered view that continuation of the impugned proceedings would amount to abuse of process of law warranting interference of this Court in the present petition.

5. Accordingly, I proceed to pass the following:

ORDER

i) The petition is hereby ***allowed***.

ii) The impugned proceedings in C.C.No.74/2024 arising out of Crime No.69/2023 on the file of Senior Civil Judge and JMFC, Mudigere insofar as the petitioners are concerned are hereby quashed.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

MDS
List No.: 2 Sl No.: 21