HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No.720 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/ accused No.2 to quash the proceedings against him in C.C. No. 303 of 2020 on the file of the learned Additional Junior Civil Judge, Puttur for the offences punishable under Sections 341, 323 and 506 read with Section 34 of the Indian Penal Code.

2. Case of the petitioner is that he was not present at the scene of the alleged occurrence, allegation against him is based only on the suspicion of the respondent No1, the investigating officer, in the charge sheet, specifically stated that there was no evidence regarding the alleged instigation by accused No. 2 and in these circumstances, continuation of the proceedings against the petitioner would amount to an abuse of the process of the Court.

3. The case of the prosecution, in brief, is that on 01.07.2020 at about 7.30 a.m., while the respondent No.1 was going by walk in his village i.e., Gattu Vaddi Indlu Village, accused No.1 wrongfully restrained and beat him with hands and threatened him, the incident arose out of land disputes, the respondent No.1 suspected that the petitioner, who is accused No.2 and was residing in Bengaluru, had instigated accused No.1 to commit the alleged offence.

4. Heard Sri D.Purna Chandra Reddy, learned counsel for the petitioner and Smt.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing State. Respondent No.1 remained absent. Perused the material available on record.

5. The point for consideration is whether the proceedings in C.C. No. 303 of 2020, insofar as they relate to the petitioner/ accused No. 2, are liable to be quashed in exercise of the inherent jurisdiction of this Court under Section 482 Cr.P.C.

6. The power under Section 482 Cr.P.C. is to be exercised sparingly and with caution. At this stage, the Court is not expected to conduct a mini-trial or assess the evidence as if deciding the guilt of the accused. However, the Court may interfere where the allegations and the material collected during investigation, even if taken at their face value, do not disclose the essential ingredients of an offence against the accused, or where continuation of the proceedings would amount to an abuse of the process of the Court.

7. In ***State of Haryana v. Bhajan Lal***[1], the Hon'ble Supreme Court illustrated categories of cases in which the High Court may exercise its inherent powers to quash criminal proceedings, including cases where the allegations, taken at face value and accepted in their entirety, do not prima facie constitute an offence. In ***Amit Kapoor v. Ramesh Chander***[2], Hon'ble Supreme Court reiterated that the Court must consider whether the uncontroverted allegations and the material on record prima facie establish the offence, while avoiding a detailed evaluation of the evidence.

8. Applying these principles to the facts of the present case, the specific allegation concerning the incident dated 01.07.2020 is that accused No.1 restrained and assaulted the respondent No.1 and threatened him. The petitioner is not alleged to have been physically present at the scene or to have personally committed any of those acts. Significantly, the charge sheet itself records that the respondent No.1 suspected that the petitioner had instigated accused No.1, but that there was no evidence regarding such instigation.

9. The existence of a land dispute or prior ill-feeling between the parties may explain the background to the complaint. But, the same cannot establish the petitioner's participation in the alleged offences. Likewise, suspicion of the respondent No.1, that too, without supporting material collected during

[1] 1992 Supp (1) SCC 335
[2] (2012) 9 SCC 460

investigation, is not sufficient to attribute criminal liability to the petitioner. The material described in the charge sheet does not disclose facts showing that the petitioner shared a common intention with accused No.1 or intentionally instigated, aided or participated in the alleged acts. The mere addition of Section 34 IPC cannot take the place of material establishing the necessary common intention and participation.

10. This Court is conscious that the inherent power is not to be used to test the reliability of every witness or to decide disputed questions of fact. The present conclusion does not rest on choosing between competing versions or conducting an appreciation of evidence. It rests on the prosecution's own account and the investigating officer's express statement that there is no evidence of the alleged instigation by the petitioner. As per the material placed before this Court, the essential factual basis for proceeding against accused No. 2 is absent. Permitting the prosecution to continue against him in these circumstances would subject him to a criminal trial on suspicion alone.

11. For the above mentioned reasons, this Court is satisfied that continuation of the proceedings against the petitioner/ accused No. 2 in C.C. No. 303 of 2020 would amount to an abuse of the process of the Court.

12. **In the result**, this Criminal Petition is allowed, quashing the proceedings against the petitioner/accused No.2 alone in C.C. No. 303 of 2020 on the file of the Additional Junior Civil Judge, Puttur. The proceedings against the other accused, if any, shall continue in accordance with law. Any observations made in this order are confined to the petitioner and shall not affect the merits of the case against the remaining accused.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed.

SUNITHA GANDHAM, J

Date:03.11.2026
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