HC-KAR

NC: 2026:KHC:63968
CRL.P No. 1058 of 2025

CNR: KAHC010042962025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1058 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

ARJUN RAM,
S/O DHIMA RAM
AGED ABOUT 40 YEARS
R/AT NO. 688, 16TH MAIN
VYALIKAVAL LAYOUT
VEERANNA PALYA
BENGALURU 560045

...PETITIONER

(BY SRI. DESAI RAJENDRA .,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY DEVARAJEEVAJEEVANAHALLI P S,
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU 560001.

2. SRI BHAGAWAN RAM
S/O REWATH RAM
NO. 34 ,JUS HOLE RESIDENCY
14TH CROSS, KANAKA NAGAR
R T NAGAR POST
BENGALURU 560032

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. GIREESHA R.J., ADVOCATE FO R2)

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THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO SET ASIDE THE ORDER, DATED 13.05.2022, OF TAKING COGNIZANCE AGAINST THE PETITIONER AND CONSEQUENTLY, QUASH THE CRIMINAL PROCEEDINGS IN CC.NO.53028/2022 PENDING BEFORE XI ADDITIONAL CHIEF METROPOLITAN MAGISTRATE COURT, AT MAYOHALL, BENGALURU, FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 341, 323, 324, 506 R/W 34 OF INDIAN PENAL CODE, 1860, THROUGH THE DJ HALLI POLICE STATION IN CRIME NO.407/2021, IN RESPECT TO THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:-

> *a. To set aside the order, dated 13.05.2022, of taking cognizance against the petitioner and consequently, quash the criminal proceedings in CC.No.53028/2022 pending before XI Additional Chief Metropolitan Magistrate Court, at Mayohall, Bengaluru, for the alleged offences punishable under sections 341, 323, 324, 506 r/w 34 of Indian Penal Code, 1860, through the DJ halli police station in Crime No.407/2021, in respect to the petitioner.*

2. Respondent No.2 lodged a complaint on 09.12.2021, on the basis of which Crime No.407/2021 was registered by the Devarajeevanahalli Police Station

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for the offences punishable under Sections 506, 341, 323, 324 read with Section 34 of the IPC. Upon completion of the investigation, the police filed a charge sheet on 09.05.2022 for the aforesaid offences. The petitioner has challenged the proceedings arising therefrom.

3. The allegation in the complaint dated 09.12.2021 is that a friend of respondent No.2 had borrowed money and had furnished the property documents and two cheques belonging to respondent No.2 as security for the loan. As the amount had not been repaid, the petitioner, from whom the money had allegedly been borrowed, came to the house of respondent No.2, threatened him and assaulted him.

4. Learned counsel for the petitioner submits that the petitioner had also attempted to lodge a police complaint, but the same was not received. Thereafter, upon taking up the matter with the superior police officers, the petitioner filed a private complaint under Section 200 of the Code of Criminal Procedure, 1973, in PCR No.56004/2022. In the said complaint, the petitioner alleged that respondent No.2, along with his friends and associates, including Mr. Rakesh Ram, had assaulted him, caused injuries

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and taken away his mobile phone, a gold chain weighing 40 grams and a gold bracelet weighing 40 grams. Learned counsel submits that the allegations made by respondent No.2 are false and that the version set out in the petitioner's private complaint represents the true account of the incident.

5. On being asked about the status of the proceedings arising out of the petitioner's private complaint, it is submitted that Crime No.308/2022 was registered by the Hennur Police Station for the offences punishable under Sections 506, 504, 379 and 307 of the IPC. Upon completion of the investigation, a charge sheet was filed on 27.01.2023 for the offences punishable under Sections 506, 504, 149, 323 and 341 of the IPC. Both sets of criminal proceedings, arising out of the complaints lodged by the petitioner and respondent No.2 respectively, are stated to be pending before the XI Additional Chief Metropolitan Magistrate, Mayohall, Bengaluru.

6. Thus, the rival complaints attribute the assault to the other side. While respondent No.2 alleges that the petitioner and his associates assaulted him, the petitioner alleges that respondent No.2 and his associates assaulted him and took away his

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belongings. The rival versions, therefore, raise disputed questions of fact concerning the occurrence and the respective roles attributed to the persons involved. The truth or otherwise of these allegations cannot be determined by this Court by weighing the rival versions or conducting a mini-trial in proceedings under Section 482 of the Code of Criminal Procedure, 1973. These matters must be tested on the basis of the evidence led before the Trial Court. No ground is, therefore, made out for quashing the proceedings at this stage.

ORDER

i) The Criminal Petition is **dismissed.**

ii) The petitioner and respondent No.2 are at liberty to raise all their respective contentions and defences before the Trial Court.

iii) The Trial Court shall conduct the proceedings in accordance with the directions issued by this Court in **Eshwara v. The State of Karnataka**, Crl.A. No.100101/2016.

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(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 2