HC-KAR

NC: 2026:KHC:61689
CRL.P No. 1034 of 2025

CNR: KAHC010051422025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1034 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. MANJUNATHA. K. R.
S/O RAMESH K K,
AGED ABOUT 29 YEARS,
R/AT NO.55/15,
SRI MANJUNATHA NILAYA,
6TH MAIN ROAD,
BEHIND AMBIKA SCHOOL,
JAI MARUTHI NAGAR,
NANDINI LAYOUT,
BENGALURU CITY-560096

2. SHOBHA B H
W/O RAMESH K K,
AGED ABOUT 52 YEARS,
R/AT NO.55/15,
SRI MANJUNATHA NILAYA,
6TH MAIN ROAD,
BEHIND AMBIKA SCHOOL,
JAI MARUTHI NAGAR,
NANDINI LAYOUT,
BENGALURU CITY-560096

3. RAMESH K K
S/O KALLEGOWDA,
AGED ABOUT 60 YEARS,
R/AT NO.62,
23RD MAIN ROAD,
1ST CROSS,
JAI MARUTHI NAGAR,
NANDINI LAYOUT,
BENGALURU CITY-560096

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4. NANDAN GOWDA K R
S/O RAMESH K K,
AGED ABOUT 26 YEARS,
R/AT NO.57,
H M NAYAK MAIN ROAD,
BEHIND AMBIKA SCHOOL,
JAI MARUTHI NAGAR,
NANDINI LAYOUT,
BENGALURU CITY-560096.

5. GOWRAMMA
W/O R NAGARAJU,
AGED ABOUT 56 YEARS,
R/AT NO.100,
H M NAYAKA ROAD,
BEHIND AMBIKA SCHOOL,
JAI MARUTHI NAGAR,
NANDINI LAYOUT,
BENGALURU CITY-560096

6. VIMALAMMA
W/O JAYARAM B K,
AGED ABOUT 49 YEARS,
R/AT NO.16/3, 1ST CROSS,
JAI MARUTHI NAGAR,
NANDINI LAYOUT,
BENGALURU CITY-560096.

7. MALATHI H B
W/O SRIKANTACHARI H B,
AGED ABOUT 54 YEARS,
R/AT NO.83, 3RD CROSS,
H M NAYAKA ROAD,
JAI MARUTHI NAGAR,
NANDINI LAYOUT,
BENGALURU CITY-560096

...PETITIONERS

(BY SRI. SHIVAKUMARAPPA T C.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY NANDINI LAYOUT POLICE STATION,

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REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
AMBEDKAR BEEDI,
BENGALURU-560001.

2. SMT PREMA
W/O LATE D K MAHESH,
AGED ABOUT 41 YEARS,
R/AT NO.2, 4TH MAIN KAPILA NAGAR,
NEAR NANJUNDESHWARA TEMPLE,
LAGGERE, BENGALURU CITY-560058

…RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. RAMESHCHANDRA., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR FILED BY THE RESPONDENT NO.1-POLICE SUB INSPECTOR OF NANDINI LAYOUT P.S. AGAINST ACCUSED NO.1 TO 7 IN CR.NO.164/2024 FOR THE OFFENCE P/U/S 506, 504, 149, 447, 323, 354 OF IPC PENDING ON THE FILE OF THE LEARNED XXXII A.C.M.M COURT BENGALURU BY ALLOWING THIS CRL.P.

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 petitioners are before this Court seeking for the following reliefs;

   a. *Quash the FIR filed by the respondent no.1-Police Sub Inspector of Nandini Layout P.S. against accused no.1 to 7 in Cr.No.164/2024 for the offence p/u/s 506, 504, 149, 447, 323, 354 of IPC pending on the file of the Learned XXXII A.C.M.M Court Bengaluru by allowing this Crl.P*.

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2. Respondent No.2 lodged a complaint on 15.05.2024, on the basis of which the Nandini Layout Police Station registered FIR in Crime No.164/2024 for the offences punishable under Sections 149, 447, 323, 354, 506 and 504 of the Indian Penal Code, 1860. The said crime is presently under investigation.

3. Sri.Shivakumarappa T.C., learned counsel for the petitioners, makes the following submissions:

3.1. The dispute between the parties is essentially civil in nature. In this regard, learned counsel points out that petitioners Nos.1 and 3 have instituted O.S. No.1808/2024 against respondent No.2, which is pending consideration.

3.2. Learned counsel further submits that the petitioners had lodged a complaint on 14.05.2024, pursuant to which Nandini Layout Police Station registered FIR in Crime No.162/2024 for the offences punishable under Sections 427, 506, 149, 447, 448 and 323 of the Indian Penal Code. It is contended that the complaint lodged by respondent No.2 is a counterblast to the complaint lodged by the petitioners.

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4. On enquiry by the Court, it is submitted that Crime No.162/2024 has not been challenged by the accused therein. The investigation in that crime has been completed and a charge sheet has been filed. The case is now pending trial in C.C. No.25533/2025.

5. Learned counsel submits that the incidents forming the subject matter of the two complaints are distinct. It is pointed out that respondent No.2 alleges an incident dated 14.05.2024 at about 9.30 a.m., whereas the complaint lodged by the petitioners relates to an incident dated 11.05.2024.

6. The distinction in the dates of the alleged incidents is required to be noticed. However, the material circumstance is that the allegations arise out of the dispute between the parties concerning the very same property, in respect of which O.S. No.1808/2024 is pending. The pendency of the civil suit, by itself, does not render the allegations of criminal conduct liable to be disregarded or the criminal proceedings liable to be quashed.

7. The record, as placed before this Court, indicates that both sides have made allegations against each other alleging commission of criminal offences in connection with the dispute concerning the property.

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The complaint lodged by the petitioners has resulted in registration of Crime No.162/2024, in which investigation has been completed and a charge sheet has been filed. The complaint lodged by respondent No.2 has resulted in registration of Crime No.164/2024, which is still under investigation.

8. The mere fact that the petitioners had lodged a complaint earlier, or that the complaint of respondent No.2 came to be lodged thereafter, would not, by itself, establish that the latter complaint is a counterblast or that the allegations therein are inherently false. Equally, the pendency of the civil suit does not, without more, warrant termination of the criminal investigation.

9. The allegations made by the respective parties concern incidents said to have occurred on different dates, though arising out of the dispute relating to the same property. The truth or otherwise of those allegations, including the allegations of assault, verbal abuse, intimidation and trespass, would require investigation and cannot be conclusively determined in these proceedings.

10. In the circumstances, this Court is of the considered opinion that, having regard to the nature of the

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allegations and the fact that the complaint lodged by the petitioners has already been investigated, the investigation in Crime No.164/2024 ought also to proceed in accordance with law. There are no sufficient grounds made out in the present petition to quash the FIR at this stage.

11. In the above circumstances, this Court passes the following:

ORDER

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

ii. It is directed that the same Investigating Officer who investigated Crime No.162/2024 shall investigate Crime No.164/2024, provided the said officer is still posted at Nandini Layout Police Station. If the officer is no longer posted at the said Police Station, the competent authority shall assign the investigation to an appropriate officer in accordance with law. In the event of any other person being appointed as investigating officer the Petitioner shall not be entitled to claim any violation, since it is on account of the petitioner approaching this Court that the earlier

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investigating officer could not investigate both the complaint and counter complaint.

iii. The Investigating Officer shall conduct the investigation independently, objectively and in accordance with law, without being influenced by the observations made in this order, which are confined to the consideration of the prayer for quashing the FIR.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 11