HC-KAR

NC: 2026:KHC:62936
CRL.P No. 1298 of 2024

CNR: KAHC010080542024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1298 OF 2024

BETWEEN:

MALLIKARJUNAPPA
S/O SIDDAPPA,
AGED ABOUT 74 YEARS,
OCC: RETD. GOVT. SERVANT,
SANTHEBENNURU VILLAGE,
CHANNAGIRI TALUK
DAVANAGERE - 577 213.

PESENTLY R/@ #286, KCHS LAYOUT,
7TH MAIN, NAGADEVANAHALLI,
GNANABHARATHI,
BANGALORE-560 056.

...PETITIONER

(BY SRI. C.H. JADHAV, SENIOR COUNSEL FOR
SRI. CHETAN JADHAV, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
SANTHEBENNURU POLICE STATION,
CHANNAGIRI TALUK,
DAVANAGERE,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.

2. SULOCHANAMMA
W/O RAJAPPA,
HOUSEWIFE,
AGED ABOUT 55 YEARS,
SANTHEBENNURU VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE - 577213.

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K.R. SUBHASH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO ALLOW THIS CRL.P BY QUASHING THE FIR AGAINST THE PETITIONER PENDING IN CR.NO.165/2023 REGISTERED BY SANTHEBENNURU P.S AND PENDING ON THE FILE OF THE PRL.CIVIL JUDGE JR.DIVISION AND J.M.F.C COURT CHANNAGIRI FOR THE OFFENCE P/U/S 504,447,323,354,506 R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the FIR against the petitioner/accused No.1 in Crime No.165/2023 dated 23.08.2023 registered by Santhebennur Police Station, Davanagere district, for the offences punishable under Sections 504, 447, 323, 354, 506 r/w 34 of IPC, on the file of Prl. Civil Judge (Jr. Dn.) and JMFC, Channagiri, Davanagere.

2. The brief facts of the case are that, respondent No.2 lodged a complaint before respondent No.1-Police on 23.08.2023 alleging that complainant is an agriculturist and there was civil dispute existing between the petitioner and the complainant. On 22.08.2023 at about 12.30 p.m., when complainant was working in her land bearing Sy.No.177 along with her sister Rudramma, at that time the petitioner, who is the owner of the adjacent land, along with two others trespassed into the lands of respondent No.2 and abused her in filthy language by removing the boundary stones of her land and outrage her modesty by pulling her saree. On the strength of the said complaint, F.I.R. came to be registered in Crime No.165/2023 for the aforementioned offences. Aggrieved by the registration of the said FIR, the petitioner has approached this Court by filing the present petition.

3. Heard the learned Senior Counsel for the petitioner and the learned HCGP and learned counsel for respondent No.2.

4. Apart from urging several other contentions, learned Senior Counsel for the petitioner primarily contended that respondent No.2, wrecking vengeance against the petitioner in

connection with the land bearing Sy.No.177, has lodged the complaint. He submitted that a survey was conducted on 19.08.2023 in the presence of Police Officials and Officials of the Survey Department, during which boundary stones were fixed. Despite the same, respondent No.2 allegedly trespassed into the property and abused the petitioner, compelling the petitioner to lodge a complaint against respondent No.2 on 22.08.2023. The said complaint was registered by respondent No.1-Police in Crime No.164/2023 for the offences punishable under Sections 504, 506, 447, 143, 147 and 148 r/w 149 of IPC. However, on the very next day, respondent No.2 lodged the present complaint as a counterblast to the said complaint, with false and omnibus allegations. He further contended that the dispute between the parties is purely civil in nature and that the present complaint has been lodged with an intention to give a criminal colour to the civil dispute. Accordingly, he prays to allow the petition.

5. The prayer of the petitioner is opposed by learned HCGP for respondent No.1 and learned counsel for respondent No.2 on the ground that the investigation is at nascent stage. They

also contended that on perusal of the complaint averments, *prima facie* case is made out against the petitioner in connection with outraging modesty of respondent No.2. Mere pendency of the civil dispute between the parties is not a license for the petitioner to commit the offence that too outraging the modesty of respondent No.2. As such, the proceedings against the petitioner cannot be quashed at this stage. Accordingly, they pray to dismiss the petition.

6. I have given my anxious consideration to the submissions and perused the complaint, FIR and other documents made available before this Court.

7. As could be gathered from records, the complaint averments reveal that the petitioner and respondent No.2 are the neighboring land owners. There is a dispute in connection with the land bearing Sy.No.177/1 and 177/2 between the petitioner and respondent No.2. Accordingly, a survey was conducted and boundary was fixed on 19.08.2023 by the Survey Department in the presence of the Police. Thereafter, the petitioner herein lodged the complaint against respondent

No.2 and her family members alleging that, after the survey, on 22.08.2023, Rajappa i.e., husband of respondent No.2, Siddappa and 8-10 unknown persons trespassed into the property of the petitioner and removed the boundary stones, threatened and abused him in filthy language. Based on the said complaint, FIR was registered against respondent No.2 in Crime No.164/2023. Subsequently on 23.08.2023, the present complaint has been filed by respondent No.2 against the petitioner, which is registered in Crime No.165/2023. On further perusal of the said complaint averments, it could be gathered that the petitioner and two unknown persons abused respondent No.2 in filthy language and outraged her modesty for removal of boundary stones by her, which was affixed in his land. Nevertheless, the allegations against the petitioner in the complaint and FIR are bald and omnibus. Further, considering the nature of the dispute between the parties and the previous complaint lodged by the petitioner against respondent No.2, I am of the considered view that this complaint has been filed by respondent No.2 against the petitioner by wreaking vengeance

in order to give criminal color to the civil dispute pending between them.

8. In such circumstance, the Hon'ble Apex Court in the case of ***BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT*** in ***SLP (Crl) No.15537/2023*** dated 22.05.2026, held in paragraph Nos.52 to 54 as under:

> *"**52**. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.*
>
> ***53**. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.*
>
> ***54**. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,12*

namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

9. Further, the Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph No.11 to 14 held as under:

*"**11**. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-*

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." We are of the view that the case of the present appellants

falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

***12**. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.*

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the

materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

***13**. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-*

> *"5. …Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out*

even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

> *(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;*
>
> *(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;*
>
> *(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.*

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon

> *an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death…..” (Emphasis supplied)*
>
> ***14**. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."*

10. Further, the Hon’ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C. or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed

essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

11. Collocating the above findings in the judgments of the Hon'ble Apex Court to the facts and circumstances of this case, I am of the considered view that even if the entire allegations

in the complaint and FIR are taken on their face value, no *prima facie* case is made out against the petitioner and the complaint has been filed by respondent No.2 out of wreaking vengeance in order to give a criminal colour to the civil dispute. In such circumstance, continuation of the proceedings against the petitioner/accused accused No.1 amounts to abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

i. The criminal petition is ***allowed***.

ii. The proceedings against the petitioner/accused No.1 in Crime No.165/2023 dated 23.08.2023, registered by Santhebennur Police of Davanagere District, for the offences punishable under Sections 504, 447, 323, 354, 506 r/w Section 34 of IPC, presently pending on the file of Prl. Civil Judge (Jr. Dn.) and JMFC, Channagiri, Davanagere, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG/HKV
List No.: 1 Sl No.: 10