HC-KAR

CNR: KAHC010082372024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1307 OF 2024

BETWEEN:

1. SRIDHAR
   S/O SHIVALINGAYAIAH
   AGED ABOUT 60 YEARS
   RESIDING AT JANATHA COLONY
   KARAKALAGHATTA VILLAGE
   KASABA HOBLI, ANEKAL TALUK
   BENGALURU RURAL DISTRICT
   BENGALURU - 560 106

2. SUDHIR ALIAS ARUN KUMAR
   S/O SRIDHAR
   AGED ABOUT 37 YEARS
   RESIDING AT JANATHA COLONY
   KARAKALAGHATTA VILLAGE
   KASABA HOBLI, ANEKAL TALUK
   BENGALURU RURAL DISTRICT
   BENGALURU - 560 106

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Location: HIGH COURT OF KARNATAKA

3. DIVYA
   D/O SRIDHAR
   AGED ABOUT 33 YEARS
   RESIDING AT JANATHA COLONY
   KARAKALAGHATTA VILLAGE
   KASABA HOBLI, ANEKAL TALUK
   BENGALURU RURAL DISTRICT
   BENGALURU - 560 106

4. SUNANDAMMA
W/O SRIDHAR
AGED ABOUT 55 YEARS
RESIDING AT JANATHA COLONY
KARAKALAGHATTA VILLAGE
KASABA HOBLI, ANEKAL TALUK
BENGALURU RURAL DISTRICT
BENGALURU - 560 106

…PETITIONERS

(BY SRI. SOURABH R.K, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THE ANEKAL POLICE STATION
BENGALURU RURAL DISTRICT
REPRESENTED BY THE SPP
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BANGALORE - 560 001

2. SHANTHAMMA
W/O LATE KRISHNAPPA
AGED ABOUT 74 YEARS
RESIDING NEAR MUTTRAYASWAMY TEMPLE
KARAKALAGHATTA, JANATHA COLONY
KASABA HOBLI, ANEKAL TALUK
BENGALURU - 562 106

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. PRAVEEN KUMAR N.K, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO SET ASIDE THE ORDER DATED 07.06.2023 IN SPL.C.NO.610/2023 PRODUCED IN ANNEXURE-A AND THE ENTIRE PROCEEDINGS THEREIN, PENDING ON THE FILE OF THE HON'BEL II ADDL.DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed by accused Nos.1 to 4 under Section 482 of Cr.P.C. seeking to quash the entire proceedings initiated against the petitioners for the offences punishable under Sections 504, 506, 188 read with Section 34 of IPC and Sections 3(1)(r), 3(1)(s) of SC & ST (POA) Act and set aside the order dated 07.06.2023 in Spl.C.No.610/2023 pending on the file of learned II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru.

2. The brief facts of the case are that, according to respondent No.2 she is the owner in possession of Site No.6, Kaneshumari No.6 measuring 60 X 40 feet situated at Karakalaghatta Village, Anekal Taluk and since the house situated in the said site and in which respondent No.2 was residing, was in dilapidated condition, she demolished the same and started reconstruction and that the petitioners herein, who were residing in the western portion of said site in Sy.No.124, started quarrelling with regard to set back and thus obstructed

construction of building by respondent No.2. However, in the meanwhile, petitioner No.1, on 29.10.2022, filed a suit in O.S.No.541/2022 against respondent No.2 for relief of permanent injunction. Later on 08.12.2022, respondent No.2 also instituted a suit in O.S.No.635/2022 against the petitioners seeking relief of permanent injunction. Pending consideration of said suit, on 16.12.2022 at about 11 a.m. accused Nos.1 to 4 i.e., the petitioners herein, visited the house of respondent No.2 and picked up a quarrel with her in connection with the construction of her house and abused her in filthy language by mentioning her caste and threatened her with the dire consequence and also insisted not to proceed with the construction. As such, respondent No.2 lodged a complaint before the Social Welfare Department on 20.12.2022, which was forwarded to respondent No.1 - police. On the strength of the said complaint, respondent No.1 registered the case against the petitioners in Crime No.15/2023 dated 16.01.2023 for the aforesaid offences. Subsequently, respondent No.1 - police investigated the case and laid charge sheet against the petitioners for the aforesaid offences. Thereafter, the learned

Sessions Judge took cognizance of the offence. Aggrieved by the same, the petitioners preferred this petition.

3. Heard the learned counsel for the petitioners, learned HCGP and learned counsel for respondent No.2

4. Apart from urging several contentions, learned counsel for the petitioners primarily contended that the complaint averments clearly reveal that in order to give criminal colour to the civil dispute, a false complaint has been lodged against the petitioners by respondent No.2. He contended that there are suits pending between the parties for the relief of permanent injunction and it is stated in the complaint that the incident allegedly for the reason of leaving set back area while constructing the house. He also contended that, except general and omnibus allegation made in the complaint and the charge sheet in respect of mentioning the name of the caste, there is no specific time and place mentioned to attribute the offences against the petitioners. Even according to the complainant, the incident was caused near the site and according to the charge sheet, it was caused near the house of respondent No.2. Thus, it cannot be said that

the incident was caused in the public view. As such, he submitted that the entire allegation in the complaint and charge sheet even if taken on its face value, still no offence has been made against the petitioners for the offences they have been charge sheeted. He also contended that the complaint has been filed out of vengeance in connection with the civil dispute. Thus, he prays to allow the petition.

5. The prayer is opposed by the learned counsel for respondent No.2. He submits that now the charge sheet has been filed against the petitioners and the statement of witnesses clearly reveals the involvement of these petitioners in the alleged crime, the proceedings cannot be quashed. According to him, the incident had taken place in front of the house of respondent No.2. As such, the same has to be construed as public view. He further contended that initially on 08.10.2022, the petitioners made an attempt to interfere with the property belongs to respondent No.2 and subsequently, even after obtaining an injunction order by the Civil Court, the petitioners continued their illegal act and once again interfered with the property of respondent No.2 on 16.12.2022 and

thereby picked up a quarrel and abused respondent No.2 in filthy language by taking the name of her caste. In such circumstances, the provisions under Section 3(1)(r) and 3(1)(s) are clearly attracted. In order to buttress his argument, he relied on the following judgments:

i. *Kathyayini vs. Sidharth P.S. Reddy and Others - 2025 LiveLaw SC 712*;

ii. *Kamaladevi Agarwal vs. State of West Bengal and Others - (2022) 1 SCC 555*;

iii. *K. Jagadish vs. Udaya Kumar G.S. and Another - (2020) 14 SCC 552*.

6. The learned HCGP has also opposed the prayer on similar grounds and additionally contended that CWs.4 to 8 are the eyewitness to the incident. As such, the allegations against the petitioners in their statement has to be testified in a detailed trial. Accordingly, he prays to dismiss the petition.

7. I have given my anxious consideration to the submissions of learned counsel for the respective parties and perused the entire charge sheet material.

8. As could be gathered from the complaint and charge sheet averments, admittedly, the petitioners and respondent No.2 are the neighbours. The incident was allegedly caused in connection with the construction of the house in the site belonging to respondent No.2 for the reason that respondent No.2 failed to leave proper set-back during the course of construction of the house. However, it is stated in the complaint that on 08.10.2022, the petitioners trespassed into the property of respondent No.2. Admittedly, thereafter respondent No.2 also instituted a civil suit against the petitioners in OS.No.635/2022. The Civil Court in the said suit also granted injunction against the petitioners. However, it is stated that later on also on 16.12.2022, the petitioners trespassed into the property and abused respondent No.2. The complaint further clarifies that the incident dated 16.12.2022 also was allegedly caused in connection with the construction of the house. The statement of CWs.4 to 8 was recorded on 17.01.2023 much after the date of incident. A perusal of said statements also reveals that except some general and omnibus allegation against the petitioners, no such specific averments

were made against them. As rightly contended by the learned counsel for the petitioners, since the alleged incident was caused near the house of respondent No.2, it cannot be construed that the same was caused in a public view.

9. The Hon'ble Apex Court in ***Gunjan @ Girija Kumari v. State of Delhi*** - **2026 LiveLaw (SC) 484** held in paragraph No.9 as under:

> *"9.1 It could be said that the occurrence of the incident to become an offence under the SC/ST Act must have happened "in a place within public view", is in a way, a principal requirement amongst the other ingredients. The other aspects namely "intentional insult or intimidation" and "an intent to humiliate", gathers a kind of intensity when the insult, intimidation, humiliation or abusive utterances, as the case may be, takes place in "a place within public view", in the presence of members of the public. The requirement that the place must be one "within public view" can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a sine qua non for making out the offence under the SC/ST Act."*

10. Thus, the Hon'ble Apex Court, in the aforesaid judgment, has clearly held that, where the offence under the provisions of the SC/ST Act is alleged to have been committed

at a place which is not within public view, the essential ingredients of the said offence are not attracted.

11. Collocating the above findings to the facts and circumstances of the present case, since the incident had occurred between the house of the petitioners and under construction house of respondent No.2, the said place cannot be said to be the place within the public view. Further, the petitioners and respondent No.2 being the neighbours and the incident being caused only with regard to leaving set back while constructing the house by respondent No.2, it cannot be said that the petitioners in order to belittle the caste of respondent No.2 mentioned the name of her caste and abused her at the place of incident. In such circumstances, the offences alleged against the petitioners by respondent No.2 by lodging a complaint is out of wreaking vengeance against the petitioners in order to give criminal colour to the civil dispute pending between the parties.

12. 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.*
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> ***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 CrPC.*
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> ***54**. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the CrPC 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."*

13. Further, the Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** held in paragraph Nos.11 to 14 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:-*
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> > *"(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.

***13**. 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.*
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> *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)*
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> > *(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."*

14. So as far as the offence punishable under Section 504 and 506 of IPC is concerned, on perusal of the charge sheet materials, the ingredients of the said offence are also not attracted in the present case. The Hon’ble Apex Court in the case of ***B.V. Ram Kumar v. State of Telangana - (2025) 3 SCC 475***, held in paragraph Nos.24 to 27 as under:

> *"**24**. Further, this Court in Mohd. Wajid v. State of U.P. [Mohd. Wajid v. State of U.P., (2023) 20 SCC 219] , while discussing Section 504IPC, propounded the test for considering the circumstances wherein, an abusive language takes the form and shape of an intentional insult and held thus : (SCC paras 29-31)*
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> > *"29. Section 504IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any*

other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in

the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504IPC if he merely uses abusive language against the complainant."

***25**. Needless to say, that mere abuse, discourtesy, rudeness or insolence does not amount to an intentional insult within the meaning of Section 504IPC. Furthermore, it would be immaterial that the person who has been insulted and provoked did not actually break the peace or commit any offence.*

***26**. Section 504 IPC consists of two parts. Firstly, the actus reus—being the intentional insult which gives rise to the provocation. Secondly, the mens rea i.e. the intention or knowledge on the part of the accused that such intentional provocation is likely to cause the person insulted to break public peace or commit any other offence. The animus nocendi in Section 504IPC is that the accused should "intentionally insult" the other person with the intention or knowledge that the provocation caused by such insult is likely to result in the commission of breach of public peace or any other offence by the person who has been so insulted. The offence is said to be complete once the accused person makes "intentional insult" with the aforesaid mens rea. Hence, intention or knowledge on the part of the accused person that his actions of making "intentional insult" have the potential to provoke the person insulted is sine qua non for the commission of the offence under Section 504IPC.*

***27**. The natural corollary of the above discussion is that if the accused does not intend to give provocation, the offence is not made out. An insult without an "intention to insult" is not punishable under Section 504IPC. Further, "intentional insult" must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence."*

15. The entire allegation in the charge sheet, as well as the statements of the witnesses, discloses only omnibus allegations against these petitioners, namely, that there was a dispute with regard to leaving set back while constructing the house by respondent No.2. It is also undisputed that a civil suit is pending between the parties in respect of the said property. In such circumstances, the surrounding circumstances give rise to an inference that the complaint has been lodged out of wreaking vengeance against the petitioners. Respondent No.2 by misusing the provisions under the Special Statute lodged a false complaint against the petitioners in connection with the civil dispute between the parties. Even if entire allegations of the complaint and charge sheet are taken on its face, no prima facie case has been made out against the petitioners for the offences they have been charge sheeted. In such circumstances, the continuation of the proceedings against the petitioners would amount to abuse of process of Court.

16. Accordingly, the petition is ***allowed***. The entire proceedings initiated against the petitioners/accused Nos.1 to 4 for the offences punishable under Sections 504, 506, 188 read

with Section 34 of IPC and Sections 3(1)(r), 3(1)(s) of SC & ST (POA) Act, in Spl.C.No.610/2023, pending on the file of learned II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, is hereby quashed and the order dated 07.06.2023 passed thereon is set aside.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 6