HC-KAR

NC: 2026:KHC:64686
CRL.P No. 1914 of 2024

CNR: KAHC010110332024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.1914 OF 2024

BETWEEN:

J V VENKATESHA REDDY
S/O J VEMA REDDY
AGED ABOUT 43 YEARS,
POLICE HEAD CONSTABLE
R/O DODDASIDDAVVANAHALLY VILLAGE
CHITRADURGA TALUK AND DISTRICT
PRESENTLY WORKING AT
CHITRADURGA CITY POLICE STATION
PIN - 577 501

...PETITIONER

(BY SRI. R SHASHIDHARA, ADVOCATE)

AND:

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA
BY CHITRADURGA EXTENSION
POLICE STATION, CHITRDURGA CITY,
REPRESENTED BY SPP
HIGH COURT BUILDING
BANGALORE - 01

...RESPONDENT

(BY SRI. JAVEED S, HCGP FOR R1;
R2 - SERVED, UNREPRESENTED)

THIS CRL.P IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH THE FINAL REPORT FILED BY THE 1ST RESPONDENT IN CRIME NO.33/2017 REGISTERED BY THE CHITRADURGA EXTENSION POLICE STATION AND QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.915/2023. PENDING ON THE FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND CJM AT

CHITRADURGA FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 224, 353, 201, 212 OF IPC, IN THE INTEREST OF JUSTICE AND EQUITY.

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 proceedings in C.C.No.915/2023, arising out of Crime No.33/2017 dated 01.06.2017, filed by the Chitradurga Extension Police Station, Chitradurga Sub-Division, against the petitioner for the offences punishable under Sections 224, 353, 201 and 212 of IPC pending on the file of Principal Senior Civil Judge and CJM, Chitradurga.

2. The brief facts of the case are that respondent No.2, who is the PSI of Adoni-III Town Police Station, Kurnool District, Andhra Pradesh, lodged a complaint before respondent No.1-Police on 01.06.2017, stating that a criminal case had been registered against one Manjunath and others in Crime No.48/2017 for the offence punishable under Section 420 of IPC. During the course of investigation, he came to know that

the said Manjunath was residing at Chitradurga. Hence, in order to apprehend him, respondent No.2, along with his staff, came to Chitradurga on 30.05.2017 at about 6:30 p.m. and proceeded within the jurisdiction of respondent No.1-Police Station to apprehend the said Manjunath. It is further alleged that when respondent No.2 and his staff attempted to apprehend Manjunath, he obstructed them and fled from the spot in a Bolero vehicle bearing registration No.KA-16-M-6258. Based on the said complaint, respondent No.1-Police registered an FIR in Crime No.33/2017 against Manjunath for the offences punishable under Sections 353 and 224 r/w Section 34 of IPC.

3. During the course of investigation, respondent No.1-Police allegedly found that the petitioner, who was working as a Police Constable, had facilitated the escape of accused No.1 from the spot by driving the aforesaid Bolero vehicle. Accordingly, the charge sheet came to be filed against the petitioner, arraying him as accused No.2, for the offences punishable under Sections 224, 353, 201 and 212 of IPC. The learned Magistrate took cognizance of the aforesaid offences

against accused No.1 and the petitioner. Aggrieved by the same, the petitioner has preferred the present petition.

4. Heard the learned counsel for the petitioner and learned counsel learned HCGP.

5. Apart from urging several contentions, learned counsel for the petitioner primarily contended that, admittedly, the FIR was registered against accused No.1, namely, Manjunath. During the course of investigation, it is alleged that the petitioner facilitated the escape of accused No.1 from the spot by driving the Bolero vehicle. However, there is no eyewitness to the alleged incident. Further, the petitioner is neither the owner of the said vehicle nor was he found to be in possession of the same at the relevant point of time, as borne out by the investigation. The vehicle was owned by one Venkatesh K., who has been cited as CW.6. He further contended that CWs.6, 7, 18 and 19, who are charge-sheeted witnesses, were examined in the departmental enquiry and, upon considering their testimony, the petitioner was exonerated in the said enquiry. In such circumstances, there is no *iota* of evidence placed on record to implicate the petitioner in the alleged crime. Hence,

he submits that the continuation of the proceedings against the petitioner would amount to an abuse of the process of the Court. Accordingly prays to allow the petition.

6. *Per contra*, learned HCGP opposed the prayer made by the petitioner contending that the charge sheet has been filed against the petitioner and, apart from CWs.6, 7, 18 and 19, other witnesses have also stated about the involvement of the petitioner in the alleged crime. It is further contended that the petitioner harboured accused No.1 by facilitating his escape from the spot by driving the Bolero vehicle. In such circumstances, *prima facie* material is available on record to implicate the petitioner in the alleged offences and, therefore, at this stage, the proceedings cannot be quashed. Accordingly he prays to dismiss the petition.

7. I have given my anxious consideration both on the submission and perused the entire charge sheet materials.

8. Admittedly, *suo-moto* complaint lodged by respondent No.2 before the Station House Officer, Extension Police Station, chitradurga, reveals that, while attempting to apprehend one

Manjunath, accused No.1, in connection with Crime No.48/2017, the said accused escaped from the spot in a Bolero vehicle. Accordingly, the FIR came to be registered against accused No.1. Subsequently, during the course of investigation, it was alleged in the charge sheet that the petitioner facilitated the escape of accused No.1 by driving the aforesaid Bolero vehicle. As rightly contended by learned counsel for the petitioner, on a perusal of the entire charge sheet material, there is no eyewitness to the alleged incident who has identified the petitioner as the person driving the vehicle. Neither the complainant-respondent No.2, nor any other witness has identified the petitioner in connection with the alleged incident.

9. Further, on perusal of the materials placed before this Court relating to the departmental enquiry, it is evident that CWs.6, 7, 18 and 19, who are also charge-sheeted witnesses, were examined as PWs.1 to 5 in the said enquiry. All these witnesses have categorically stated that the vehicle in which accused No.1 escaped belonged to one C. Venkatesh K., i.e.,

CW.6. At no point of time petitioner was either the owner of the said vehicle or found to be in possession of the same.

10. In such circumstances, in the absence of any eyewitness identifying the petitioner as the person who drove the vehicle or any material to establish that the petitioner was either the owner of or in possession of the said vehicle at the relevant point of time, there is absolutely no material in the charge sheet to substantiate the allegations against the petitioner for the offences punishable under Sections 201 and 212 of IPC.

11. It is also relevant to note that the statements of the material witnesses were considered in the departmental enquiry, wherein the petitioner came to be exonerated. The materials placed on record, when considered in their entirety, do not disclose the commission of the alleged offences by the petitioner. Therefore, even if the allegations contained in the charge sheet are taken at their face value and accepted in their entirety, no offence punishable under Sections 201 or 212 of IPC is made out against the petitioner. In such circumstances, continuation of proceedings against the petitioner would

amount to an abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

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

ii. The proceedings in C.C.No.915/2023, arising out of Crime No.33/2017 dated 01.06.2017, filed by the Chitradurga Extension Police Station, Chitradurga Sub-Division, against the petitioner/accused No.2 for the offences punishable under Sections 224, 353, 201 and 212 of IPC pending on the file of Principal Senior Civil Judge and CJM, Chitradurgaare hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 9