HC-KAR
NC: 2026:KHC:62171
CRL.P No. 1909 of 2024
CNR: KAHC010112082024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1909 OF 2024

BETWEEN:

1. JAYAPRAKASH N.,
S/O N.A.NARAYANA REDDY,
AGED ABOUT 52 YEARS
R/AT NO.102/2,
PASS FAMILY 60 FEET ROAD,
NEXT TO NARAYANA REDDY ARCADE,
DODDANEKKUNDI
BENGALURU - 560037.

2. MR. ANANDA N,
S/O R.NARAYANA
AGED ABOUT 32 YEARS,
R/AT NO.38 SREE LAKSHMI
VENKATESWARA NILAYA,
MANJUNATHA LAYOUT,
OPPOSITE TO ISRO LAYOUT,
NEAR DEEPIKA RESIDENCE,
MUNNEKOLALA MARATHAHALLI,
BENGALURU - 5600037.

3. MR. SHIVAPRAKASH KONIDALA
S/O KUMARASWAMY
AGED ABOUT 44 YEARS,
R/AT FLAT NO.111,
SAI BAGEECHA APARTMENT,

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

INDIAN GAS GODOWN ROAD,
SAMETHANAHALLI,
BENGALURU - 560067.

…PETITIONERS

(BY SRI.K.V.MANOJ, ADVOCATE FOR
SRI.ABHINAYA K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HAL P S
(REP BY STATE PUBLIC PROSECUTOR)
HIGH COURT COMPLEX
BANGALORE - 560001.

2. VENKATADARI G,
AGED 52 YEARS
S/O LATE VENKAIAH
NO.700, FERNS PARADISE
DODDANAKKUNDI
MARTHAHALLI POST,
BENGALURU - 560037.

…RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;
SRI.P.B.AJITH, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR IN CR.NO.180/2023 REGISTERED WITH THE HAL POLICE STATION FOR THE OFFENCE P/U/S 447, 504, 506, R/W 34 OF IPC, NOW PENDING ON THE FILE OF LEARNED 29TH ADDL. CHIEF METROPOLITAN MAGISTRATE, BANGALORE CITY AND GRANT ANY OTHER RELIEF THAT THIS HONBLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE PRESENT CASE.

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 Nos.1 to 3 in Crime No.180/2023 dated 03.05.2023 registered by H.A.L. Police Station for the offences punishable under Sections 506, 504, 447 r/w 34 of IPC, on the file of XXIX Additional CMM Court, Mayohall, Bengaluru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 03.05.2023, alleging that he is the absolute owner in possession of the property bearing Sy.No.102/2, measuring 21 guntas. It is further alleged that, about six months prior to the lodging of the complaint, the petitioners attempted to trespass into the said property with an intention to grab the same. On 06.12.2022, at about 11.00 a.m., the petitioners allegedly trespassed into the property and attempted to install stones

therein. When respondent No.2 questioned their acts, the petitioners abused him in filthy language and also extended life threats. Hence, he lodged the complaint. Based on the said complaint, the respondent-Police registered a case in Crime No.180/2023 for the offences punishable under Sections 506, 504 and 447 read with Section 34 of IPC. Aggrieved by the registration of the said case and the consequential proceedings, the petitioners have preferred this petition.

3. Heard the learned counsel for the respective parties.

4. The primary contention of the learned counsel for the petitioners is that several civil disputes are pending between the family members of the petitioners and respondent No.2. It is submitted that respondent No.2 instituted a suit in O.S.No.8159/2022 against the petitioners, seeking the relief of permanent injunction in respect of the subject property. In turn, the children of petitioner No.1 instituted a suit in O.S.No.25891/2023 against respondent No.2 and petitioner No.1, seeking the relief of partition. Such being the position, learned counsel contends that, in order to give a criminal colour

to the existing civil dispute and to wreak vengeance against the petitioners, respondent No.2 has lodged a false complaint, against the petitioners. Accordingly, he prays to allow the petition.

5. The said prayer is opposed by the learned HCGP and the learned counsel for respondent No.2, contending that the investigation is still at its nascent stage and that the alleged offences were committed subsequent to the lodging of the complaint. They further submit that the allegations made in the complaint clearly disclose that the petitioners trespassed into the subject property and abused respondent No.2. In such circumstances, both learned counsel jointly contend that the matter requires investigation and that interference by this Court at this stage is unwarranted. Accordingly, they prays to dismiss the petition.

6. I have given my anxious consideration both on the submission and perused the documents available on record.

7. As could be gathered from records, admittedly, there exist civil disputes between the family members of the petitioners and respondent No.2. The averments made in the complaint also reveal that the dispute arose in connection with the boundary of the subject property and the installation of stones therein for the purpose of identifying the boundary. It is also not in dispute that respondent No.2 instituted a suit for injunction against the petitioners, which is pending consideration. Subsequently, the children of petitioner No.1 instituted a suit for partition against the petitioners, respondent No.2 and his family members. Thus, it is evident that the entire dispute essentially arises out of the property affairs between the parties.

8. Further, on perusal of the averments made in the complaint, except for bald and omnibus allegations, no specific abusive words allegedly uttered by the petitioners against respondent No.2 have been stated and there are no specific averments disclosing the commission of any criminal act

intended to insult respondent No.2. In such circumstances, the Hon'ble Apex Court, in the case of ***B.V. Ram Kumar v. State of Telangana***, reported in **(2025) 3 SCC 475**, at paragraph Nos.24 to 27, held 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.*
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> *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 504IPC 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.*
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> *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.*

9. On collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, I am of the considered view that Sections 504 and 506 of IPC do not attract against the petitioners. Further since the dispute between the parties is civil in nature 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 Cr.P.C.*
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> *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."*

10. Placing reliance on the findings 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 made in the complaint are taken on their face value no offence has been

made out against the petitioners for the offences punishable under Sections 504 or 447 of IPC.

11. It is by now well settled that continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. 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.

12. Under such circumstances, I am of the considered view that continuation of F.I.R and further proceedings arising therefrom 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 petitioners/accused Nos.1 to 3 in Crime No.180/2023 dated 03.05.2023 registered by H.A.L. Police Station for the offences punishable under Sections 506, 504, 447 r/w

34 of IPC, on the file of XXIX Additional CMM Court, Mayohall, Bengaluru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 6