HC-KAR
NC: 2026:KHC:63400
CRL.P No. 2310 of 2024
CNR: KAHC010137442024

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. 2310 OF 2024

BETWEEN:

1. SRI. DINESH
   @ SRI DINESH KUMAR
   SON OF BIJADY KRISHTAPPAYA KADEKAR
   AGED ABOUT 48 YEARS

2. SMT SHUBHA DINESH
   @ SMT SHUBHA V DINESH
   WIFE OF SRI DINESH KUMAR
   AGED ABOUT 40 YEARS

   PETITIONERS 1 AND 2 ARE RESIDING AT
   NO.91, SHIRUDRAIAH LAYOUT
   GANIGARAPALYA, 100 FEET ROAD
   OFF. KANAKAPURA ROAD
   BENGALURU - 560 062

...PETITIONERS

(BY SRI. C SHANKAR REDDY, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   KENGERI POLICE STATION,
   BENGALURU CITY
   REPRESENTED BY
   THE STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA
   BENGALURU - 560 001

2. SRI. K.S SUMANTH
S/O LATE K.C SUBRAMANI @ K.C SUBRAMANYA
AGED ABOUT 45 YEARS
RESIDING AT NO.1322, 32ND 'F' CROSS
26TH MAIN ROAD, 4TH 'T' BLOCK
JAYANAGAR, BENGALURU - 560 041

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.324/2023 LODGED AT THE INSTANCE OF THE SECOND RESPONDENT HEREIN PENDING ON THE FILE OF XXXII ADDL.C.M.M., BENGALURU BY THE 1ST RESPONDENT POLICE INITIATED FOR THE OFFENCE P/U/S 447, 427, 504, 506, 323 R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C. by accused Nos.1 and 2 seeking to quash the FIR registered in Crime No.324/2023 by the 1st respondent - police for the offences punishable under Sections 447, 427, 504, 506, 323 read with Section 34 of IPC, on the file of the learned XXXII Additional Chief Metropolitan Magistrate, Bengaluru.

2. The factual matrix of the case is that respondent No.2 lodged the complaint alleging that that he is the absolute

owner of the site bearing No.37 carved out of Survey No.71/3 of Kodipalyavillage, Kengeri, measuring 40' X 40' having been gifted by his mother-Smt.Bhagya, who has purchased the same by registered Sale Deed in the year 1994 and even the khatha stands in his name. Further, it is alleged that in respect of said site, suit in O.S.No.869/2013 has been filed against one Narayanappa, Vinod Agasoor, N.R.Prasad and an order of injunction has been passed on 30.11.2021. This being the position, the petitioners and others trespassed into the site and threatened him with dire consequences. Accordingly, he lodged a complaint on 11.03.2022 which was registered as Crime No.91/2022. Even thereafter, on 07.07.2023 around 3 p.m., when the construction was going on the ground floor in the said site, the petitioners and others picked up quarrel in the site and abused the mason in filthy language and destroyed 4 CCTV cameras and DVRs. The said fact having been informed by the mason, respondent No.2 visited the spot and even after on 19.07.2023 around 9 p.m. when the complainant visited the site, he noticed that the shed in which the construction workers were living had been destroyed. Based on the said complaint,

FIR in Crime No.324/2023 has been registered for the aforesaid offences. Aggrieved by the same, the petitioners preferred this petition.

3. Heard the learned counsel for the petitioners and learned HCGP. Respondent No.2 though served remained unrepresented.

4. Apart from urging several contentions, learned counsel for the petitioners primarily contended that on the face of the complaint averments, it is clear that the dispute between respondent no.2 and the petitioners are purely civil in nature and admittedly, a suit was instituted against vendor of the petitioners in OS.No.869/2013, which was pending for consideration. Further, the petitioners have also filed a suit in O.S.No.2022/2022 against the mother of respondent No.2 in respect of very same property seeking permanent injunction. Nevertheless, respondent no.2 already lodged a complaint against the petitioners on similar allegations which was registered in Crime No.91/2022 and the same was culminated in acquittal of the accused by the learned jurisdictional Magistrate. In such circumstances, once again the present

complainant has been lodged by wreaking vengeance against the petitioners in order to give criminal colour to the civil dispute. Accordingly, he prays to allow the petition.

5. The said prayer is opposed by leaned HCGP on the ground that investigation is at nascent stage and the complaint averments discloses that repeatedly petitioners are interfering with the possession of the property by respondent no.2 despite a restraint order having been passed and that the petitioners have destroyed the CCTV cameras and also DVRs. In such circumstances, the same requires a detailed investigation. Hence, at this stage, the proceedings cannot be quashed. Accordingly, he prays to dismiss the petition.

6. I have given my anxious consideration to the submissions of learned counsel for the petitioners and the learned HCGP and perused complaint and other materials placed along with the petition.

7. On careful scrutiny of the complaint averments, and the submission of the learned counsel for the petitioners, it could be gathered that the petitioners claim ownership of the

subject site from one Vinod Agasoor & others. Respondent No.2 also claimed that his mother purchased the subject site i.e., Site No.37 from the said Vinod Agasoor, Narayanappa and N.R.Prasad. There is a dispute in respect of identification of subject site between the petitioners and respondent no.2 Admittedly, there are civil disputes pending between the parties in connection with the subject property. In the earlier complaint filed by respondent no.2 against the petitioners on the very same allegations, detailed trial has been conducted and the petitioners were acquitted. The complaint averments reveals that on 07.07.2023 around 3 p.m., the petitioners and others trespassed into the subject site and destroyed the CCTV cameras and DVRs as informed by the mason to respondent No.2. However, respondent No.2 has not lodged the complaint immediately and instead stated that after having noticed that shed was demolished at the site on 19.07.2023, he lodged the complaint only on 19.07.2023. No proper explanation is forthcoming for the delayed complaint in respect of alleged destruction of CCTV cameras and DVRs. In such circumstances, it could be gathered from the materials that in order to give

criminal colour to the civil dispute pending between the parties, out of vengeance, the present complaint has been lodged by respondent no.2.

8. 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.

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."

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. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, it is evident that the complaint has been lodged by respondent No.2 for wreaking vengeance and in order to give criminal colour to civil dispute and further, the allegations made therein do not constitute the offences alleged against the petitioners. In such circumstances, continuation of criminal proceedings against the petitioners would amount to abuse of process of Court. Hence, I proceed to pass the following:

ORDER

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

ii. The FIR in Crime No.324/2023 registered by the 1st respondent - police against the petitioners for the offences punishable under Sections 447, 427, 504, 506, 323 read with Section 34 of IPC, on the file of the learned XXXII Additional Chief Metropolitan Magistrate, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 14