HC-KAR

NC: 2026:KHC:64669
CRL.P No. 2602 of 2024

CNR: KAHC010157252024

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. 2602 OF 2024

BETWEEN:

B.K MANJU
S/O B.R KRISHNAPPA
AGED ABOUT 49 YEARS
BANDIKODIGENAHALLI
VILLAGE, JALA HOBLI
BANGALORE NORTH TLAUK
BANGALORE, PIN CODE-570 001

...PETITIONER

(BY SRI. RAJU C.N, ADVOCATE)

AND:

1. STATE BY BAGALUR POLICE
BANGALORE
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE, PIN CODE- 560 001

2. MUNIRAJU B.R
S/O LATE RAMAPPA P
AGED ABOUT 49 YEARS
BANDIKODIGEHALLY
VILALGE, JALA HOBLI
BANGALORE NORTH TALUK
BANGALORE, PIN CODE- 577 001

...RESPONDENTS

(BY SRI. JAVEED S , HCGP FOR R1,
SRI. M. SRIRAM, ADVOCATE FOR R2 - ABSENT)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

HC-KAR

NC: 2026:KHC:64669
CRL.P No. 2602 of 2024

CNR: KAHC010157252024

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER COGNIZANCE TAKEN AGAINST THE PETITIONER BY THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., DEVANAHALLI IN C.C.NO.5230/2020 DATED 28.09.2020 ARISING OUT OF CR.NO.90/2020 OF BAGALUR POLICE, BENGALURU FOR THE OFFENCE P/U/S 504 OF IPC, BY ALLOWING THIS PETITION.

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 seeking to quash the proceedings against the petitioner - accused in C.C.No.5230/2020 (arising out of Crime No.90/2020 registered by Bagalur Police Station), for the offence punishable under Section 504 of IPC, presently pending on the file of Prl. Civil Judge and JMFC, Devanahalli (for short, 'the learned Magistrate').

2. The brief facts of the case are that, respondent No.2 lodged a complaint before respondent No.1-Police on 12.08.2020, stating that he was the State President of Jaibhima Akhil Bharat Dalit Kriya Samiti (R). It is alleged that, on 07.08.2020 at about 12.00 noon, he, along with the Assistant

Executive Officer of the Taluk Panchayat, visited Bandikodigenahalli Gram Panchayat for inspection of the works undertaken by the Panchayat. At that time, the PDO of the Panchayat, namely, Lohith @ Rohith, allegedly abused respondent No.2, and thereafter, one Muniraju, a resident of the said village, also abused him. It is further alleged that the petitioner also abused respondent No.2 in filthy language and threatened him with dire consequences. Hence, respondent No.2 lodged the complaint before the respondent-Police.

3. On the basis of the said complaint, FIR came to be registered in Crime No.90/2020 dated 12.08.2020 against the petitioner and three others for the offences punishable under Sections 504 and 506 read with Section 34 of the IPC. Thereafter, respondent No.1-Police conducted investigation and filed the charge sheet against the petitioner only for the offence punishable under Section 504 of the IPC, dropping the other accused and citing accused Nos.1 and 4 as witnesses, i.e., CWs.4 and 5. Accordingly, the learned Magistrate took cognizance of the said offence. Aggrieved by the same, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and learned HCGP for respondent No.1. There is no representation for respondent No.2.

5. The primary contention of learned counsel for the petitioner is that, this petitioner is no way connected to the alleged incident and it is no where stated in the complaint that the reason behind the incident and the motive for the alleged incident. According to him, the allegation against the petitioner is that this petitioner being the native of the Bandikodigenahalli village, abused the respondent No.2 while he was inspecting the Panchayat white tapping project, since this petitioner is no way connected for the same, the allegation in the complaint is totally bald and omnibus. He also contended in the complaint it is stated that the PDO and the other person one Muniraju also abused the respondent No.2. However, while filing of charge sheet they were dropped and the charge sheet was submitted only against this petitioner. Accordingly, he prays to allow the appeal.

6. *Per contra,* the learned HCGP opposed the prayer of the petitioner on the ground that now that the charge sheet has

been filed against the petitioner and the statement of CWs.2 to 7 reveals that this petitioner abused respondent No.2. In such circumstance, he prays to dismiss the petition.

7. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and also perused the entire materials on record.

8. As could be gathered from the complaint averments, on 07.08.2020 at about 12.00 noon, respondent No.2, along with the Assistant Executive Officer of the Taluk Panchayat and the Project Officer of the Zilla Panchayat, visited Bandikodigenahalli Village for inspection of the works undertaken by the Panchayat. At that time, the PDO of the Panchayat allegedly objected to and abused respondent No.2, and thereafter, the petitioner, being a resident of the said village, also allegedly objected to and abused him. Admittedly, neither the Assistant Executive Officer of the Taluk Panchayat nor the Project Officer of the Zilla Panchayat has lodged any complaint in respect of the alleged incident.

9. Respondent No.2, being the President of Jaibhima Akhil Bharat Dalit Kriya Samiti (R), has lodged the complaint alleging that initially the PDO abused him and subsequently, the petitioner also abused him. As rightly contended by learned counsel for the petitioner, there is no material to indicate any motive or *mens rea* on the part of the petitioner to abuse respondent No.2 or the other officials of the Taluk and Zilla Panchayat during the course of the work inspection. The petitioner has no apparent connection with the said inspection. The allegations in the complaint and charge sheet are bald and omnibus in nature, and the statements of the witnesses also contain similar omnibus allegations against the petitioner.

10. The Hon'ble Apex Court in the case of ***B.V. Ramkumar vs. State of Telangana***, reported in ***(2025) 3 SCC 475,*** while dealing with the similar circumstances, held in paragraph No.24 to 27 held as under,

> *"24. Further, this Court in the case of Mohammad Wajid v. State of U.P.,11 while discussing Section 504, IPC, 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)

> *"29. Section 504 of the IPC 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 504, IPC, 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 504, IPC 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 504, IPC if he merely uses abusive language against the complainant." (emphasis supplied)

25. Needless to say, that mere abuse, discourtesy, rudeness or insolence does not amount to an intentional insult within the meaning of Section 504, IPC. 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 504, IPC 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 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 504, IPC.

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 504, IPC. 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."

11. Applying the principles laid down by the Hon'ble Apex Court in the aforesaid judgment to the facts and circumstances of the present case, I am of the considered view

that, even if the allegations in the charge sheet are taken at their face value, no offence punishable under Section 504 of the IPC is made out against the petitioner. In such circumstances, continuation of the proceedings against the petitioner-accused would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

O R D E R

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

ii. The proceedings against the petitioner - accused in C.C.No.5230/2020 (arising out of Crime No.90/2020 registered by Bagalur Police Station), for the offence punishable under Section 504 of IPC, presently pending on the file of Prl. Civil Judge and JMFC, Devanahalli, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR/List No.: 1 Sl No.: 13