HC-KAR
CNR: KAHC010159172024

NC: 2026:KHC:64674
CRL.P No. 2601 of 2024

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. 2601 OF 2024

BETWEEN:

SRI SANDESH G
S/O GOVINDARAJU R
AGED ABOUT 35 YEARS
R/AT SANGEETHA NILAYA
NANDI HILLS, OPP FOREST OFFICE
T.B CIRCLE,
DODDABALLAPURA TOWN
BANGALORE RURAL-561 203

...PETITIONER

(BY SRI. T PRAKASH, ADVOCATE)

AND:

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA BY
RAJARAJESHWARI NAGAR P.S
REPREENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001

2. SRI PURUSHOTHAM H.K
S/O KENCHEGOWDA
AGED ABOUT 42 YEARS
R/AT NO. 465/A
FLAT NO. 102, SUMUKHA
VRUNDAVANA APARTMENT
15TH CROSS, IDEAL HOMES
R.R. NAGAR, BENGALURU CITY

PIN CODE - 560 098

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. VIKYATH B, ADVOCATE FOR R2 - ABSENT)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET AND THE CRIMINAL PROCEEDINGS IN C.C.NO.18137/2023 (CR.NO.308/2022) OF RAJAJESHWARI NAGAR POLICE FOR THE ALLEGED OFFENCE P/US/ 420,323,504,506 R/W SEC34 OF IPC VIDE ANNEXURE D PENDING ON THE FILE OF THE II ACMM BENGALURU CITY SO FAR AS THIS PETITIONER (ACCUSED NO.2) IS CONCERNED.

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 proceedings against the petitioner - accused No.2 in C.C.No.18137/2023 (arising out of Crime No.308/2022 registered by Rajarajeshwari Nagar Police Station), for the offences punishable under Sections 420, 323, 504, 506 r/w Section 34 of IPC, presently pending on the file of II ACMM, Bengaluru (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 25.11.2022, alleging that, in the year 2007, one Govinda Raju

(accused No.1), father of the petitioner, induced respondent No.2 to invest a sum of Rs.90,00,000/- in a real estate business by assuring that the investment would be doubled. Believing the said assurance, respondent No.2 invested the said amount. It is further alleged that, in the year 2013, when respondent No.2 demanded repayment of the amount, accused No.1-Govinda Raju issued nine cheques for Rs.10,00,000/- each. Out of the nine cheques, one cheque was honoured and the remaining cheques were dishonoured.

3. Thereafter, when respondent No.2 demanded for repayment, accused No.1 informed him that the amount had been invested in the real estate business and sought two years' time to repay the same along with the profit. However, he failed to repay the amount. Subsequently, on 18.06.2022, when respondent No.2 visited the house of accused No.1 and demanded repayment, accused No.1, along with the petitioner, who is his son, allegedly abused and assaulted respondent No.2 and threatened him with dire consequences. It is further alleged that, on 01.07.2022, when respondent No.2 contacted the petitioner over phone and demanded repayment, the

petitioner again abused and threatened him with dire consequences. Hence, respondent No.2 lodged the complaint against the accused.

4. On the basis of the said complaint, FIR came to be registered in Crime No.308/2022 dated 25.11.2022 against the petitioner and his father-Govinda Raju for the aforesaid offences. Thereafter, respondent No.1-Police conducted investigation and filed the charge sheet against the petitioner and his father for the aforesaid offences, arraigning the petitioner as accused No.2. The learned Magistrate accordingly took cognizance of the offences. Aggrieved by the same, the petitioner has preferred this petition.

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

6. The primary contention of learned counsel for the petitioner is that, on perusal of the complaint and charge sheet materials, no *prima facie* case is made out against the petitioner for the offences for which he has been charge

sheeted. It was further contended that the complaint itself discloses that the entire monetary transaction was between respondent No.2 and accused No.1 and that the cheques in question were also issued by accused No.1 in favour of respondent No.2. The only allegation against the petitioner is that, on 18.06.2022, when respondent No.2 visited the house of accused No.1, the petitioner, being the son of accused No.1, along with his father, allegedly abused and assaulted respondent No.2 and also threatened him with dire consequences and, again, on 01.07.2022, allegedly abused and threatened him over the phone.

7. Learned counsel further contended that, in the subsequent complaint dated 26.11.2022, respondent No.2 has clarified that no such incident of assault had been committed by the petitioner. It was also contended that the charge sheet materials disclose that the entire monetary transaction was between respondent No.2 and accused No.1 and that the petitioner has been implicated solely on the ground that he is the son of accused No.1, without any specific overt act being attributed to him. In such circumstances, it was contended that

continuation of the proceedings against the petitioner would amount to an abuse of the process of law. Accordingly, learned counsel sought to allow the petition.

8. *Per contra,* learned HCGP opposed the prayer of the petitioner contending that the charge sheet has already been filed against the petitioner - accused No.2 and his father - accused No.1 and that the statements of the eyewitnesses, i.e., CWs.2 and 3, disclose that on 18.06.2022, the petitioner, along with accused No.1, abused and assaulted respondent No.2 and also threatened him with dire consequences. In such circumstances, it was contended that a *prima facie* case is made out against the petitioner and the proceedings cannot be quashed at this stage. Accordingly, learned HCGP sought dismissal of the petition.

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

10. As could be gathered from the complaint averments, the initial complaint was lodged by respondent No.2

on 25.11.2022, wherein it is alleged that accused No.1 came into contact with respondent No.2 in the year 2007 and induced him to invest money in the real estate business by assuring that the investment would be doubled and the profits would be shared. Believing the said assurance, respondent No.2 invested a sum of Rs.90,00,000/- with accused No.1. However, accused No.1 allegedly failed either to share the profits or to return the principal amount.

11. Though, in the complaint dated 25.11.2022, it is alleged that on 18.06.2022, the petitioner, along with accused No.1, abused and assaulted respondent No.2 and threatened him with dire consequences at the house of accused No.1 and that again on 01.07.2022, the petitioner abused and threatened respondent No.2 over the phone, in the subsequent complaint dated 26.11.2022, respondent No.2 has specifically stated that no such incident of assault had been committed by the petitioner or accused No.1.

12. Be that as it may, on perusal of the entire charge sheet material, including the statements of material witnesses-CWs.2 and 3, the allegations against the petitioner are confined

to the alleged incidents of 18.06.2022 and 01.07.2022, wherein it is stated that on 18.06.2022, the petitioner, along with his father-accused No.1, abused and assaulted respondent No.2 and threatened him with dire consequences at the house of accused No.1 and, thereafter, on 01.07.2022, the petitioner abused and threatened him over the phone. Except these bald and omnibus allegations, no specific overt act is attributed to the petitioner.

13. 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)*
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> > *"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."

14. Applying the principles laid down by the Hon'ble Apex Court in the aforesaid judgment to the facts and circumstances of the present case, the ingredients of Sections 504 of the IPC are not attracted against the petitioner. The entire monetary transaction and the resultant dispute are admittedly between accused No.1 and respondent No.2, and the petitioner cannot be held vicariously liable for the same in the absence of any specific overt act attributed to him, as such the other offences of IPC charge sheeted against the petitioner

do not attract. Even if the allegations in the charge sheet are taken at their face value, no offence is made out against the petitioner. The petitioner appears to have been implicated solely on the ground that he is the son of accused No.1. In such circumstances, continuation of the proceedings against the petitioner-accused No.2 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 No.2 in C.C.No.18137/2023 (arising out of Crime No.308/2022 registered by Rajarajeshwari Nagar Police Station), for the offences punishable under Sections 420, 323, 504, 506 r/w Section 34 of IPC, presently pending on the file of II ACMM, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR/List No.: 1 Sl No.: 12