HC-KAR
NC: 2026:KHC:59545
CRL.P No. 3784 of 2022
CNR: KAHC010184802022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.3784 OF 2022

BETWEEN:

1. SRI. PURUSHOTHAMA G.M.
   S/O MANCHEGOWDA
   AGED ABOUT 29 YEARS
   CIVIL POLICE CONSTABLE
   KUDURU POLICE STATION
   MAGADI TALUK
   RAMANAGARA DISTRICT-561101.

…PETITIONER

(BY SRI. K.N.NITISH, ADVOCATE FOR
SRI. K.V. NARASIMHAN, ADVOCATE)

AND:

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Location: HIGH COURT OF KARNATAKA

1. STATE BY M.K. DODDI POLICE STATION
   CHANNAPATNA RURAL CIRCLE
   RAMANAGARA DISTRICT-562160
   REPRESENTED BY SPP
   HIGH COURT OF KARNATAKA BUILDING
   BANGALORE-560001.

2. SRI. VENKATESHA S/O KARIYAPPA, MAJOR
   R/AT KOLURU VILLAGE, CHANNAPATNA TALUK
   RAMANAGARA DISTRICT-562160.

   (AMENDED VIDE COURT ORDER DATED 05.09.2023)

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. BASAVARAJU P., ADVOCATE FOR R2)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET AT ANNEXURE-A AS AGAINST THE PETITIONER IN CRIME NO.66/2020 OF THE RESPONDENT POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 504, 323, 324, 448, 506, 114, 149 IPC AND ALL FURTHER PROCEEDINGS IN CC 162/2022 REGISTERED ON THE FILE OF LEARNED SENIOR CIVIL JUDGE AND JMFC CHANNAPATNA, RAMANAGARA DISTRICT AT ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for petitioner, learned High Court Government Pleader for respondent No.1-State and learned counsel for respondent No.2-complainant.

2. The prayer is sought for quashing the charge sheet as against the petitioner, who has been arraigned as accused No.5 in Crime No.66/2020 of M.K. Doddi Police Station for the offence punishable under Sections 143, 504, 323, 324, 448, 506, 114 read with Section 149 of IPC.

3. Learned counsel for the petitioner would submit that having perused the contents of complaint, only statement

is made that this incident has taken place at the instigation of accused No.5, but nothing is stated that he was very much present at the time of incident. The counsel also brought to notice of this Court that Annexure-D is very clear that on the very same day on 29.04.2020 at 08.00 a.m., work was entrusted to this petitioner to go for beat of the villages Huluvadi, Mankunda, Hosurudoddi, Devarahalli and Valagerehalli and was entrusted with gastu duty of the said villages. However, learned counsel appearing for the petitioner brought to notice of this Court that prosecution mainly relies upon Station House Diary, wherein it is stated that when the complainant went to police station at 9.00 a.m., he made them to sit near lock-up and on enquiry, came to know that through two PCs that he made them to sit there. The counsel would submit that when the offence under Section 114 of IPC is invoked against this petitioner, he must be very much present at the time of the incident.

4. Learned counsel for the petitioner relied upon order passed by this Court in Crl.P.No.1294/2020 dated 25.05.2023 and brought to notice of this Court discussion made by this

Court in paragraph No.10, in order to invoke Section 114 of IPC, abettor present when offence is committed. Hence, question of invoking Section 114 of IPC does not arise.

5. Per contra, learned counsel appearing for the respondent No.2-complainant also submit that there is a dispute between the complainant's family and the accused family and even civil dispute had reached to this Court as per Annexure-R i.e., R.S.A.No.432/2013, wherein the RSA was allowed modifying the judgment of the Trial Court and set aside the judgment and decree passed in O.S. No.100/2007 and also R.A.No.75/2012 and partly decreed to the extent that plaintiff is entitled for an order of injunction to safeguard the western wall of her house. The counsel also would submit that this incident is at the instance of the present petitioner and though offence under Section 114 of IPC was invoked and he was not present at the time of incident, but the Court has to take note of the fact that incident has occurred at the instigation of this petitioner itself.

6. Learned High Court Government Pleader appearing for respondent No.1-State would submit that the police based

on the complaint registered the case, investigated the matter and filed the charge sheet based on the statement of witnesses.

7. Having heard counsel appearing for the petitioner, learned counsel for respondent No.2-complainant and also learned High Court Government Pleader for respondent No.1-State, the other offences invoked against this petitioner i.e., Sections 143, 504, 323, 324, 448, 506, 114 read with Section 149 of IPC will not attract and the offence that could be taken note of is Section 114 of IPC. Even in respect of Section 114 of IPC also, none of the complainant witnesses and also the contents of the complaint discloses the very presence of this petitioner and only an word is used in the complaint that this petitioner is working as P.C. in the very same police station and he is responsible for the said act. Though the witnesses speak that about the same that only at the instigation of this petitioner, the incident has happened and he is responsible for the said incident, but when he was not present at the place of incident and the offence under Section 114 of IPC also cannot be invoked against this petitioner. This Court already dealt with

the issue with regard to presence of the very accused by invoking Section 114 of IPC in the criminal petition referred supra by counsel petitioner appearing for the petitioner.

8. When such being the case, none of the ingredients of the offence under Section 114 attracts against this petitioner and merely because adding the word that he is responsible for this incident, he cannot be prosecuted, that too, in a criminal prosecution and he need not face the criminal ordinal because he is working in the very same police station. No doubt, counsel appearing for the respondent No.2-complainant and also counsel for the petitioner brought to notice of this Court that there was reference in the Station House Diary that he was very much present at 9.00 a.m. on the date of the incident and he made them to sit near lock up and the same cannot be a ground to implicate him as an accused. Hence, there is a force in the contention of learned counsel for the petitioner that ingredients of Section 114 of IPC not attracts against this petitioner.

9. In view of the discussion made above, I pass the following:

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ORDER

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

(ii) The proceedings initiated against the petitioner, who is accused No.5 in Crime No.66/2020 of M.K. Doddi Police Station for the offence punishable under Sections 143, 504, 323, 324, 448, 506, 114 read with Section 149 of IPC, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 46