HC-KAR

NC: 2026:KHC:60704
CRL.P No. 3442 of 2024

CNR: KAHC010201552024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3442 OF 2024

BETWEEN:

SRI. RAVEENDRA HEGDE
ALIAS RAVINDRA HEGADE
S/O SRI GANAPATHI NARAYAN HEGDE
AGED ABOUT 57 YEARS,
WAS RESIDING AT NO.303, 1ST STAGE,
B-5, SURYA CITY, CHANDAPURA
ANEKAL TALUK,
BENGALURU RURAL DISTRICT,
BENGALURU-562 107

ALSO AT: #1, STANTON COURT,
PLAINSBORO, NEW JERSEY,
UNITED STATES OF AMERICA-08536

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. PRASHANTH U.T, ADVOCATE)

AND:

1. STATE BY ATTIBELE POLICE STATION
REP. BY STATION HOUSE OFFICER,
ATTIBELE, ANEKAL TALUK,
BENGALURU RURAL DISTRICT-562 107
REP BY GOVERNMENT
STATE PUBLIC PROSECUTOR

HIGH COURT OF KARNATAKA,
BENGALURU-560 001

2. SMT. N. GAYATHRI
W/O SRI. MOHAN
AGED ABOUT 45 YEARS
VILLA NO B.A.80, 1ST PHASE,
RIBERT ACRES, GOLDEN HOMES,
INDLABELE VILLAGE, ATTIBELE,
SARJAPURA ROAD, BENGALURU-562 107

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. NAVEENARADHYA S, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH/SET-ASIDE THE PROCEEDINGS IN C.C.NO.1072/2019, ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND J.M.F.C., ANEKAL FOR THE OFFENCE P/U/S 341, 504 AND 506 R/W 34 OF IPC (ANNEXURE-B), FIR IN CR.NO.375/2018 FOR THE OFFENCE P/U/S 448, 504 AND 506 R/W 34 OF IPC, (ANNEXURE-C) AND COMPLAINT DATED 13.10.2018 LODGED ON 01.11.2018 (ANNEXURE-D) IN SO FAR AS PETITIONER HEREIN 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.1072/2019 (arising out of Crime No.375/2018 registered by Attibele Police Station), for the offences punishable under sections 341, 504, 506 r/w section 34 of IPC, presently pending on the file of I Additional Civil Judge and JMFC at Anekal (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 01.11.2018, alleging that she had taken a Villa No.BA-80 situated at Indlabele, Golden Homes, 1st Phase, Robert Acres, on lease for a period of 10 years and was residing therein along with her family members. It is alleged that, despite seven years of the lease period remaining, the petitioner and another person, namely, Ravindra Hegde and Aravind Hegde, respectively, were causing trouble to her with an intention to forcibly evict her from the premises. It is further alleged that a

civil dispute was pending between the parties and that the said persons had come near her house, picked up a quarrel and threatened her.

3. It is further alleged that on 01.05.2018 at about 8.50 a.m., the petitioner came to her house along with certain persons and created a disturbance. Further, on 13.10.2018, the aforesaid Aravind Hegde came near her house along with unknown persons and threatened her. It is also alleged that the petitioner, who was residing in the USA, had sent rowdy elements near her house, who threatened her with deadly weapons to vacate the premises. It is further alleged that the said persons were following her daughters while going to school and her husband while going to work. Hence, respondent No.2 lodged the complaint against the petitioner and the aforesaid Aravind Hegde.

4. Based on the said complaint, respondent No.1-Police registered FIR in Crime No.375/2018 dated 01.11.2018 for the offences punishable under Sections 448, 504 and 506 read with Section 34 of IPC. After completion of investigation, respondent No.1-Police filed the charge sheet against the

petitioner and another for the offences punishable under Sections 341, 504 and 506 read with Section 34 of IPC, arraying the petitioner as accused No.2. The learned Magistrate thereafter took cognizance of the said offences. Aggrieved by the same and seeking quashing of the proceedings, the petitioner has preferred this petition.

5. Heard the learned counsel for respective parties.

6. The primary contention of the learned counsel for the petitioner is that, on perusal of the complaint averments, the ingredients of Sections 506, 504 and 341 of the IPC are not attracted against the petitioner, as there is no specific allegation that the petitioner had illegally trespassed into the property, threatened respondent No.2 with her life, or wrongfully restrained her. Except for bald and omnibus allegations in the complaint and charge-sheet, there are no specific allegations or materials to substantiate the offences alleged against the petitioner. It is further contended that, as a civil dispute is pending between the petitioner and respondent No.2, the latter, with an intention to give a criminal colour to the civil dispute, has lodged a false complaint against the

petitioner. Accordingly, learned counsel seeks to allow the petition.

7. *Per contra,* learned counsel for respondent No.2 and learned HCGP, jointly opposing the petition, contended that the charge sheet has been filed against the petitioner and the prosecution has cited eyewitnesses to the alleged incident. Their statements are required to be tested in a full-fledged trial and, therefore, the proceedings cannot be quashed at this stage. Accordingly, they sought dismissal of the petition.

8. 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.

9. As could be gathered from the complaint averments, the landlord-tenant relationship between the parties is not in dispute. It is also not in dispute that respondent No.2 has instituted a suit against the petitioner seeking an injunction. According to the learned counsel for the petitioner, respondent No.2 is a chronic defaulter in payment of rent. Further, on a perusal of the complaint averments, except

for certain bald and omnibus allegations that, in the month of May 2018, the petitioner and his associates had threatened respondent No.2 and insisted that she vacate the premises, no specific allegation is made against the petitioner. Admittedly, respondent No.2 did not lodge any complaint immediately after the alleged incident, and the present complaint came to be lodged only in November 2018. Even the statements of the witnesses contain only bald and omnibus allegations against the petitioner. In such circumstances, the material on record *prima facie* indicates that the complaint has been lodged by respondent No.2 with an intention to give a criminal colour to the existing civil dispute and to wreak vengeance against the petitioner.

10. In such circumstances, the complaint averments on face of it reveals that the same is filed out of vengeance. 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."

11. Collocating the findings of the Hon'ble Apex Court in the above judgment to the fact and circumstance of this case, I am of the considered view that the continuation of the proceedings against the petitioner-accused No.2 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

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ORDER

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

ii. The proceedings against the petitioner - accused No.2 in C.C.No.1072/2019 (arising out of Crime No.375/2018 registered by Attibele Police Station), for the offences punishable under sections 341, 504, 506 r/w section 34 of IPC, presently pending on the file of I Additional Civil Judge and JMFC at Anekal, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG/CR
List No.: 1 Sl No.: 8