HC-KAR

NC: 2026:KHC:59573
CRL.P No. 4954 of 2024

CNR: KAHC010262222024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 4954 OF 2024

BETWEEN:

1. MR.B.BALARAJU
S/O LATE BALASWAMY
AGED ABOUT 57 YEARS
R/AT NO.6, 1ST CROSS,
CHINNAPPA LAYOUT,
KAMMANAHALLI MAIN ROAD,
ST. THOMAS TOWN POST,
BENGALRUU 560 084.

2. BALAPPA SELVARAJU
C/O THOMAS BALAPPA
AGED ABOUT 59 YEARS,
R/AT NO.6, 1ST CROSS,
CHINNAPPA LAYOUT,
MORIJA RESTAURANT BACK SIDE
KAMMANAHALLI MAIN ROAD,
ST. THOMAS TOWN POST,
BENGALURU-560 084.

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

3. MR. ADRIAN FELIX B
S/O MR. BALARAJU
AGED ABOUT 32 YEARS
R/AT NO.6, 1ST CROSS,
CHINNAPPA LAYOUT,
KAMMANAHALALLI MAIN ROAD

ST. THOMAS TOWN POST,
BENGALURU 560 084.

4. SHRI. PUNEETH R
S/O RAVIKUKMAR
AGED ABOUT 27 YEARS
R/O: NO.05, 1ST CROSS,
H COLONY, INDIRANAGAR
1ST STAGE,
BENGALURU NORTH 560 038.

…PETITIONERS

(BY SRI. VIKAS N SHEELAVANTAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
K.R.PURAM POLICE STATION
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001.

2. SMT. LASKHMI
W/O CHINNA,
AGED ABOUT 38 YEARS,
R/AT NO.52, BALARAJU HOUSE,
PAVITHRA LAYOUT,
T.C.PALYA, K.R.PURAM
BENGALURU 560 036.

…RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;
SRI.KRISHNA NAIK, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.PC. PRAYING TO QUASH THE CHARGE SHEET FILED BY THE RESPONDENT NO.1 K.R.PURAM POLICE STATION ARRAYING THEM ACCUSED NO.1, 4, 10 AND 7 RESPECTIVELY FOR THE OFFENCE P/U/S 323, 354, 448, 506 R/W 34 OF IPC IN C.C.NO.61209/2024 ON THE FILED OF XXIX ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, AT BENGALURU (MAYO HALL) AND CONSEQUENTLY QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.61209/2024 ON THE FILE OF XXIX ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, AT BENGALURU (MAYO HALL).

THIS PETITION, COMING ON FOR REPORTING SETTLEMENT, 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. to quash the proceedings in C.C.No.61209/2024, arising out of Crime No.513/2023 dated 05.08.2023, filed by the K.R.Puram Police Station, Bengaluru City, against the petitioners and others for the offences punishable under Sections 448, 323, 354, 506 r/w 34 of IPC pending on the file of XXIX Addl. C.J.M.C Bengaluru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 05.08.2023, alleging that she was residing with her family at No.52, Pavithra Layout, T.C. Palya, K.R. Puram, Bengaluru, and that she had been acquainted with the petitioners for about two years prior to lodging the complaint.

3. Things stood thus, on 23.06.2022, some unknown persons allegedly trespassed into the house of respondent No.2, forcibly demanded to vacate the house and threatened her with dire consequences. In this regard, she lodged a complaint before the Police. However, subsequently, she withdrew the said complaint. Thereafter, on 04.08.2023, at about 2:00 p.m., some unknown persons, along with the petitioners, allegedly attempted to trespass into her house and threatened her with dire consequences for having withdrawn the earlier complaint. Hence, she lodged the complaint before respondent No.1-Police. On the basis of the said complaint, F.I.R. came to be registered in Crime No.513/2023 against the petitioners and other persons. After investigation, the Police laid the charge sheet only against the petitioner Nos.1 and 3 i.e

accused Nos.1 and 10, and names of petitioner Nos.2 and 4 i.e accused Nos.4 and 7 and other persons left out of charge-sheet. The learned Magistrate took cognizance of the offences against the petitioner Nos.1 and 3 i.e accused Nos.1 and 10. Being aggrieved by the same, the petitioners have preferred the present petition.

4. During the course of arguments, learned counsel appearing for respondent No.2 voluntarily submitted that respondent No.2 had inadvertently lodged a complaint against the petitioners and had subsequently given her statement before respondent No.1-Police. Based on the said complaint and statement, respondent No.1-Police proceeded to file the charge sheet against the petitioners. He further submitted that, in fact, no such incident had taken place as alleged in the complaint and, therefore, prayed that the criminal proceedings initiated against the petitioners may be quashed.

5. Further, the names of petitioner Nos.2 and 4 i.e accused Nos.4 and 7, have been left out of charge sheet while filing the charge sheet. As such, quashing of proceedings in

C.C.No.61209/2024 in respect of them doesn't arise. Accordingly, the petition in respect of petitioner Nos.2 and 4 / accused Nos.4 and 7 is ***dismissed as having become infructuous***.

6. By placing reliance on the submission of the learned counsel for respondent No.2, I proceed to pass the following:

ORDER

i. The criminal petition is ***allowed in part*** in respect of petitioner Nos.1 and 3 / accused Nos.1 and 10

ii. The proceedings against petitioner Nos.1 and 3/accused Nos.1 and 10 in C.C.No.61209/2024, arising out of Crime No.513/2023 dated 05.08.2023, filed by the K.R.Puram Police Station, Bengaluru City, for the offences punishable under Sections 448, 323, 354, 506 r/w 34 of IPC pending on the file of XXIX Addl. C.J.M.C Bengaluru, are hereby quashed.

iii. The criminal petition is ***dismissed as infructuous*** in respect of petitioner Nos.2 and 4 / accused Nos.4 and 7.

iv. However, it is made clear that the proceedings against remaining accused in C.C.No.61209/2024, shall continue.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 6