IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.5059 OF 2020
C/W
CRIMINAL PETITION NO.1412 OF 2020
CRIMINAL PETITION NO.301 OF 2025

IN CRL.P NO.5059/2020:

BETWEEN:

1. SRI. SYED AFSAR PASHA
   AGED ABOUT 36 YEARS
   S/O SYED MUSTHAQ SHA
   R/AT NO.23/1, 1ST FLOOR
   1ST CROSS, NEAR R.K.P. PALACE
   KAVERI NAGAR, R.T.NAGAR
   BENGALURU-560032

2. SRI. K. RAJENDRAN
   AGED ABOUT 60 YEARS
   S/O KANNANA
   R/AT NO.57, 4TH CROSS
   KANAKA NAGAR
   R.T. NAGAR POST
   BENGALURU-560032

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. SIDDHARTH SUMAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS INSPECTOR OF POLICE
   KADUGONDANAHALLI POLICE STATION
   BENGALURU CITY
   REPRESENTEDBY HCGP
   HIGH COURT BUILDING
   BANGLAORE-560001

2. SMT. MANJULAMMA
AGED ABOUT 44 YEARS
W/O LAE KANNAIAH
D/O LATE PAPAIAH
RESIDING AT NO.161
NEAR SAMUDAYA BHAVANA
VEERANNA PALYA MAIN ROAD,
ARABIC POST
BENGALURU-560045.

…RESPONDENTS

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

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR REGISTERED BY THE RESPONDENT NO.1/KADUGONDANAHALLI POLICE STATION IN CR.NO.194/2017 (ANNEXURE-A) DATED 02.04.2017 AGAINST THE PETITIONERS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 149, 150, 379, 380, 323, 324, 354, 354-B, 504, 506, 509 OF IPC AND SECTION 3(1)(3), 3(1)(9), 3(1)(10), 3(1)(11), 3(1)(14) OF SC/ST ACT 1989 AND ETC.

IN CRL.P NO.1412/2020:

BETWEEN:

1. SRI. SYED AFSAR PASHA
AGED ABOUT 36 YEARS
S/O SYED MUSHTHAQ SHA
R/AT 23/1, 1ST FLOOR
1ST CROSS, NEAR R.K.P. PALACE
KAVERI NAGAR, R.T.NAGAR
BENGALURU 560032.

2. SMT. AYEESHA SIDDIQUA
AGED ABOUT 54 YEARS

W/O AJIAZ AHAMED
R/AT NO.15, 5TH MAIN
S.K.GARDEN
NEAR NAVAL MESS
BENSON TOWN
R/AT NO.16, 1ST CROSS
BENGALURU-560046.

3. SRI. S. RIZWAN PASHA
AGED ABOUT 57 YEARS
S/O ABDUL SATTAR
R/AT NO.98,
KPTCL OFFICERS QUARTERS
BEHIND ESI HOSPITAL
HAL 2ND STAGE
INDIRA NAGAR
BENGALURU-560038.

...PETITIONERS

(BY SRI. SIDDHARTH SUMAN, ADVOCATE
VIDE ORDER DATED 25.09.2026,
PETITION IN RESPECT OF P-3 IS DISMISSED AS ABATED)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS INSPECTOR OF POLICE
KADUGONDANAHALLI POLICE STATION
BENGALURU CITY
REPRESENTED BY HCGP
HIGH COURT BUILDING
BENGALURU-560001.

2. SMT. MANJULAMMA
AGED ABOUT 44 YEARS
W/O LATE KANNAIAH
D/O LATE PAPAIAH
R/AT NO.1641
NEAR SAMUDAYA BHAVANA
VEERANA PALYA MAIN ROAD
ARABIC POST
BENGALURU-560045.

HER ADDRESS IS ALSO GIVEN AS
35/3, MNAGAWARA VILLAGE,
GOVINDAPURA, VEERANNAPALYA MAIN ROAD,
BENGAURU-560045.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
R2 - IS SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. BY PRAYING TO QUASH THE FIR REGISTERED BY THE RESPONDENT NO.1/ KADUGONDANAHALLI POLICE STATION IN CR.NO.586/2018 (ANNEXURE-A) DATED 24.11.2018 AGAINST THE PETITIONERS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 447, 427, 354, 509, 323, 324, 506 AND 149 OF IPC AND SECTION 3(ii) AND 3(x) OF SC/ST (POA) ACT 1989 AND ETC.

IN CRL.P NO.301/2025:

BETWEEN:

1. SRI. SYED AFSAR PASHA
AGED ABOUT 40 YEARS,
S/O SYED MUSTHTAQ SHA,
R/AT NO.23/1, 1ST FLOOR,
1ST CROSS, NEAR R.K.P.PALACE
KAVERI NAGARA, R.T. NAGAR
BENGALURU - 560032.

...PETITIONER

(BY SRI. SIDDHARTH SUMAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS INSPECTOR OF POLICE
GOVINDAPURA POLICE STATION
BENGALURU CITY

REPRESENTED BY HCGP
HIGH COURT BUILDING
BENGALURU - 560001.

2. SMT. MANJULAMMA
AGED ABOUT 55 YEARS,
W/O LATE KANNAIAH
D/O LATE PAPAIAH
RESIDING AT NEAR SAMUDAYA BHAVAN
GOVINDAPURA VILLAGE
ARABIC COLLEGE POST
BENGALURU – 560045.

...RESPONDENTS

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

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 (FILED U/S.528 BNSS) OF CR.P.C PRAYING TO QUASH THE FIR REGISTERED BY THE RESPONDENT NO.1/GOVINDAPURA POLICE STATION IN CRIME NO.26/2024 DATED 24.01.2024 AGAINST THE PETITIONER FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 149, 323, 324, 427, 447, 504 AND 506, PENDING ON THE FILE OF THE HONBLE XI ADITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU I.E. ANNEXURE-A AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 06.11.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

CAV ORDER

The Crl.P.No.5059/2020 is filed praying this Court to quash the FIR registered in Cr.No.194/2017 dated 02.04.2017 (Annexure-A) against accused Nos.1 and 2/petitioners herein for the offences under Sections 143, 147, 148, 149, 150, 379, 380, 323, 324, 354, 354B, 504, 506, 509 of IPC and Sections 3(1)(3), 3(1)(9), 3(1)(10), 3(1)(11), 3(1)(14) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act'); quash the charge sheet filed by respondent No.1 – police in Spl.C.No.118/2020 (Annexure-C) for the offences under Sections 143, 144, 447, 427, 504, 506(b) read with 34 of IPC and under Section 3(1)(r)(s) of SC/ST Act and quash the order dated 24.02.2020 passed by the Trial Court in Spl.C.No.118/2020 (Annexure-D) and all further proceedings pending in Spl.C.No.118/2020.

2. The Crl.P.No.1412/2020 is filed praying this Court to quash the FIR registered in Cr.No.586/2018 dated 24.11.2018 against the petitioners/accused Nos.1, 2 and 4 for the offences under Sections 143, 147, 447, 427, 354, 509, 323, 324, 506 and 149 of IPC and Sections 3(ii) AND 3(x) of SC/ST ACT.

3. The Crl.P.No.301/2025 is filed praying this Court to quash the FIR registered in Cr.No.26/2024 dated 24.01.2024 against the petitioner/accused No.1 for the offence punishable under Sections 143, 147, 149, 323, 324, 427, 447, 504 and 506 of IPC; quash the charge sheet dated 11.02.2024 and set aside the order dated 08.05.2024 passed in C.C.No.55868/2024 by the XI Additional Chief Judicial Magistrate, Bengaluru.

4. In Crl.P.No.5059/2020, the accusation made in the charge sheet against the petitioners who have been arrayed as accused Nos.1 and 2 that in Sy.No.35/3, one acre and in Sy.No.35/5, 28 guntas of land belongs to the Scheduled Caste and Scheduled Tribe and the same is an ancestral property of CW1 and CW1 is in possession of the said property. Accused No.1 who belongs to Savarneeya caste and accused No.2 who belongs to Savarneeya Vanniar caste along with accused Nos.3 and 4 have removed the iron zinc sheet compound on 12.02.2017 at night when the complainant and complainant's family members were not there and trespassed into the property of CW1 and caused loss to the tune of Rs.10,00,000/-. When complainant's family came to know about this, CW1 went

to the spot on 13.12.2018 and when she was enquiring, at around 10.30 a.m., accused persons in furtherance of common object formed an unlawful assembly and abused in a filthy language taking the caste name and caused the life threat and assaulted on her face and back with their hands. Accused No.1 abused CW1 taking her caste name to vacate the place and kicked with his legs and accused Nos.2 and 3 have instigated accused No.1 to commit the murder of CW1 and accused No.1 caused life thread to CW1 showing the iron rod. Hence, charge sheet was filed against accused Nos.1 to 4.

5. The main contention of the counsel appearing for the petitioners in this petition is that complaint is filed with a malafide purpose to achieve sinister goals for harassing the petitioners and only as a counter blast to the complaints given by the petitioners and other site purchasers. The Trial Court has mechanically taken the cognizance without discussing the charge sheet materials. It is not the case of the complainant and other witnesses in the charge sheet that the petitioners knew the caste name to which respondent No.2 belongs to for invoking the offences under the Special Enactment. Respondent No.2 in her private complaint does not even remotely stated

that CW2 to CW9 were present during the commission of the alleged offence and that they are the eyewitnesses to the incident. But in a shocking manner, respondent No.1-police during the course of investigation have recorded 161 statement of CW2 to CW9 as if they are eyewitnesses to the alleged incident in a cyclostyled manner. When such allegations are not found, invoking of Special Enactment is only with an intention to falsely implicate the petitioners. It is purely a civil dispute between the petitioners and respondent No.2. The counsel also vehemently contend that the land was acquired and the complainant was not having any semblance of right to the lands in Sy.No.35/3 of Nagavara village. Moreover, she is yet to obtain orders from this Court in W.P.No.18316/2017.

6. The counsel also in support of his arguments would submit that the writ petition filed by the complainant was dismissed vide detailed order wherein an observation is made that complainant is not in possession of the property. Hence, the question of trespassing the property and invoking the ingredients of offence under Section 447 of IPC does not arise. The counsel also vehemently contend that the RTC, pahani produced by the respondent police making it part of the charge

sheet has no relevance as respondent No.2 is yet to establish her rights in respect of the land in question. Trial court fails to consider the material on records and erroneously proceeded to take cognizance.

7. In Crl.P.No.1412/2020, the counsel would vehemently contend that the allegations made in the complaint against the petitioners are in respect of the very same survey number and these petitioners have caused damage to the land. That on 21.11.2018 at 09.00 a.m. to 10.00 a.m. these petitioners i.e., accused Nos.1 to 4 came along with others and trespassed the property of the complainant and assaulted the complainant with stone and with their hands and abused in a filthy language and dragged the complainant by holding her saree and caused life threat and also caused the loss to the property to tune of Rs.10 to 15 lakhs. Hence, FIR was registered in Cr.No.586/2018 for the offences under Sections 143, 147, 447, 427, 354, 509, 323, 324, 506 read with Section 149 of IPC and Section 3(ii) and 3(x) of SC/ST Act.

8. The counsel for the petitioners in this petition would vehemently contend before this Court that with the mala fide intention filed the petition and FIR is vague, baseless and

meaningless. Thus, the question of invoking the alleged offences does not arise. The similar complaint dated 21.11.2018 was given by the nephew of respondent No.2 complaining the same allegations and on the same set of facts. The police have not rightly registered the case as FIR and on the contrary, registered it only as a non-cognizable case. Thus, the impugned FIR and the complaint are liable to be quashed. The dispute is purely a civil in nature since there is a issue between the parties. If the complaint dated 21.11.2018 is juxtaposed with the complaint dated 24.11.2018 given by respondent No.2, i.e., Annexure-B, the same can be taken note of it and the second complaint is a verbatim reproduction of the complaint dated 21.11.2018 excepting that the names of two persons alleged to be accused therein i.e., in the complaint dated 21.11.2018, but the names of Sri. Banu Prakash and Sri. Ramesh have not been included in the second complaint dated 24.11.2018 as these persons belong to scheduled caste. Therefore, only to ensure that a false case is registered under the SC/ST Act and names of Sri Bhanu Prakash and Sri Ramesh have been excluded from the second complaint dated 24.11.2018. The very registration of FIR is with an oblique motive. The complaint is marked as Annexure-B and so also the

earlier complaint dated 21.11.2018 is also similar to the other complaint. Only the person is different in giving the complaint wherein it is categorically stated about causing of a loss to the tune of Rs.10 to Rs.15 lakhs. The first complaint was not entertained when the complaint was given by one Lokesh and this complaint is by Smt. Manjulamma wherein SC/ST Act was invoked and hence, case has been registered.

9. The counsel also in support of his arguments brought to notice of this Court the annexures which have been filed along with the petition and would contend that when the property was already acquired and father of the complainant had received the compensation, this complainant filed the writ petition and the same also dismissed. Thus, the counsel would contend that there cannot be any criminal prosecution. The counsel also would vehemently contend that in the writ petition, while dismissing, this Court made an observation that the complainant is not in possession. Hence, question of invoking Section 447 does not arise. Similar grounds are also urged in this case as that of Crl.P.No.5059/2020.

10. In Crl.P.No.301/2025, the counsel would vehemently contend that the filing of charge sheet in respect of

this case is in respect of FIR registered in C.No.26/2024 and allegation is made that the incident was taken place on 15.12.2018 and complaint is dated 14.01.2019 and there is a delay of one month in lodging the complaint. The police without looking into the material that there was a civil dispute between the parties have filed the charge sheet wherein similar set of allegations are made that the incident was taken place on 15.12.2018 when they were cleaning the property and accused persons with an intention to knock off the property of the complainant, formed unlawful assembly and trespassed into the property and assaulted and abused in a filthy language and assaulted on the face and caused the simple injuries. When CW4 came to pacify the galata, accused Nos.1, 3, 6 and 7 fisted on his face and assaulted him and also caused the life threat. CW1 is the complainant and CW2 to CW4 are the witnesses who speak about the assault and they are the interested witnesses and cited as eyewitnesses. Only with an intention to harass the petitioners repeatedly case is registered. If really they have sustained the injuries on the date of the incident, ought to have given the complaint immediately. But complaint was given belatedly. Hence, it is clear that only with an intention to harass the petitioner, the complaint is filed. The

counsel also relies upon the observations made by this Court in W.P.No.18316/2017 that the complainant is not in possession and hence, question of assaulting and causing injuries does not arise. The counsel also submits that even though wound certificates are produced, the same are created for the purpose of this case. Hence, it is a clear case of abuse of process.

11. Per contra, the learned counsel appearing for respondent No.2 would vehemently contend that though the land was acquired by the Vyalikaval House Building Society, the same was quashed by the Apex Court. The counsel would vehemently contend that even though Coordinate Bench of this Court passed an order in Writ Petition No.18316/2017, there was a restraint order and subsequently dismissed and the said order was challenged before the Writ Appellate Court. The Writ Appellate Court also passed the order with regard to the formation of the road. Similar order has been passed by the Single Bench as well as by the Division Bench. Though it was modified in the Writ Petition vide order dated 30.10.2018, it is clarified that interim order is only to prevent respondent Nos.2 and 3 from interfering with the part and parcel of the property of the petitioner and also made an observation that certain

construction whether authorized or unauthorised have been put up, it would be just unnecessary that such construction should not be demolished by the respondents. At the same time, it is also clarified that access to the site/residence of the respondent shall not be disturbed by the petitioner or others in any manner. The counsel also would vehemently contend that similar order also passed by the Writ appellate court.

12. The counsel in support of this arguments also relies upon the order passed in **W.A.No.623/2021**. Respondent Nos.2 and 3 are trying to construct a road on the land in question and in response to the above said submission, counsel for the local authorities submits that respondent Nos.2 and 3 do not propose to construct any new road on the land in question till the next date of hearing. The said order is still in force.

13. The counsel also relies upon the judgment reported in **(1995) 3 SCC 128** in the case of **VYALIKAVAL HOUSE BUILDING CO-OPERATIVE SOCIETY LTD vs NARAYANA REDDY AND OTHERS** and so also the judgment of the Apex Court reported in **(2007) 9 SCC 304** in the case of **VYALIKAVAL HOUSE BUILDING CO-OPERATIVE SOCIETY**

LTD vs V CHANDRAPPA AND OTHERS wherein uphold the order of the Division Bench of the High Court and dismissed both the appeals filed by the Vyalikaval Housing Society.

14. The counsel also relies upon the judgment of the Apex Court reported in **(2012) 10 SCC 184** in the case of **B ANJANAPPA AND OTHERS vs VYALIKAVAL HOUSE BUILDING CO-OPERATIVE SOCIETY LTD**. The counsel also relies upon the judgment reported in **AIR 1995 SC 2244** in the case of **H M T HOUSE BUILDING CO-OPERTIVE SOCIETY vs SYED KADAR AND OTHERS**.

15. The counsel also relies upon the photographs dated 21.11.2018 wherein it clearly depicts the removal of the iron zinc-sheet compound. The 4 photographs show that gathering of a large number of persons and causing damage to the property. So also, the 5th photo shows that an account of assault, the complainant was lying on the ground.

16. The counsel also relies upon the order passed in **Civil Appeal Nos.2505-2508/2019** wherein I.A.No.48546/2021 filed by the complainant-Manjulamma was allowed and sought time to amend the cause title in the

application and the matters are pending before the Apex Court wherein an application was also filed by the complainant and her application was allowed but the matter has to be adjudicated.

17. The counsel also would vehemently contend that originally, the property belongs to the complainant's family and the same is not in dispute. Though an acquisition was made, the same was questioned and ultimately Apex Court set aside the same when the property was acquired by the Vyalikaval Housing Society. The petitioners claim that they have purchased the property from the said Housing Society and they are in possession. But document clearly discloses that complainant is in possession of the property. When the police have investigated the matter and filed the charge sheet, in respect of other incident is concerned, matter requires to be the investigated. Hence, there cannot be any quashment of charge sheet and setting aside the order of taking of cognizance. The order is also specific that there are prima facie material to proceed and the truth in respect of the FIR is concerned to be unearth by the IO.

18. In reply to the arguments, the counsel for the petitioners relies upon the document of interim order dated 05.02.2013 in W.A.No.16810-16814/2011 and so also the daily order in W.A.No.623/2021 wherein undertaking was given by the local authority that they do not propose to construct any new road on the land in question till the next date of hearing. But there is no order of stay in respect of the acquisition proceedings in W.A.No.623/2021 and as on today, there is no any stay in respect of the acquisition. The counsel also produced the copy of the order dated 28.03.2022 passed in W.A.No.623/2021 so also, the order dated 30.11.2022 and the appellant only sought the time even though writ appeal was pending. The order dated 06.12.2022 is very clear that respondent Nos.2 and 3 shall not construct any new road on land in question and so also in the order dated 06.04.2023, the appellant shall not cause any obstruction to the right of access of the respondents and the said submission was made by the appellant's counsel himself. The counsel also relies upon the order passed in W.A.No.4363/2010 dated 20.09.2011 so also, the copy of cause title in Diary No.13967/2014 wherein complainant is not a party before the Apex Court.

19. The counsel mainly relies upon the observations made by the Single Judge when the quashment order was sought for notification and the same was dismissed. The counsel particularly brought to notice of this Court the discussion made in paragraph 15, wherein this Court discussed the judgment of **Anjanappa's** case, so also, in paragraph 19, the **Doddaiah's** case. The counsel also brought to notice of this Court paragraphs 20, 21 and 22 and so also, paragraphs 24, 25, 27, 28 and dismissal of the petition filed by the complainant.

20. The counsel in support of his arguments, relies upon the order passed by this Court in **Criminal Petition No.7917/2020** dated **14.10.2026** and contend that in a similar set of facts and circumstances, when the criminal prosecution was initiated for SC/ST Act in Crime No.387/2020, the same was quashed and so also in the Writ Petition No.26922/2026. The counsel brought to notice of this Court that even though accusation is not set aside, the complainant had indulged in taking the compensation in view of acquisition made by the KIADB. Hence, writ was filed and the order was

obtained not to release the amount in favour of the complainant.

21. The counsel also relies upon Annexure-U1 that is the order of the Karnataka Industrial Area Development Board, wherein also complainant is a party and made the Syed Afsar Pasha as respondent. The counsel also relies on Annexure-U2 and U3 that is the document of the office of the Special Land Acquisition Officer and brought to notice of this Court that the complainant clandestinely not only aggrieved by the acquisition and initiated the proceedings but also once again an attempt was made to take the compensation from KIADB. The counsel would vehemently contend that it is a clear case of an abuse of process by initiating a criminal prosecution and filing of complaint also belatedly and incidents was taken place on different dates but belatedly complaints are filed. Hence, prayed this Court to allow the petitions and quash the proceedings as prayed.

22. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, the Points that would arise for the consideration of these petitions are:

1. Whether the petitioners in Crl.P.No.5059/2020 have made out the case to quash the proceedings as sought in the petition?

2. Whether the petitioners in Crl.P.No.1412/2020 have made out the case to quash the FIR invoking Section 482 of CrPC?

3. Whether the petitioner in Crl.P.No.301/2025 has made out a ground to quash the FIR and charge sheet invoking Section 482 of Cr.P.C.?

4. What order?

Point No.1:

23. The prayer sought in the Crl.P.No.5059/2020 is to quash the FIR, charge sheet and proceedings against the petitioners. Having perused the charge sheet allegations, it discloses that there was an incident in the absence of the complainant and subsequently, when complainant went to enquire the same with the local people, the accused person came and abused and assaulted the complainant. Also the allegation is made that accused have caused loss to the property to the tune of Rs.10 lakhs trespassing the property and also an allegation is made that assault was made on 13.12.2018 and abused in a filthy language and also abused

the complainant taking the caste name. In order to prove these allegations, prosecution mainly relies upon the statements of CW1 to CW15. It is not in dispute that the complainant belongs to the particular community and the same is not denied by the petitioners' counsel during the course of his arguments. The only contention of the counsel that no such incident has taken place in view of dispute between the parties in respect of the property and the dispute is in civil in nature and with an oblique motive, the complaint is filed.

24. Having perused the complaint, an allegation is very clear that on the date of the first incident in 2017, the complainant was not present. But subsequent incident in 2018, they were very much present. But private complaint was filed. Thereafter, police have investigated the matter and filed the charge sheet and cognizance also taken vide order dated 24.02.2020. It is not in dispute that this incident is with regard to causing of damage to zinc sheets compound while removing the same and photographs which were produced are also very clear that an incident was taken place on 21.11.2018. But this incident is subsequent to 13.12.2018 wherein allegation of the offences under Sections 504, 506 were made and also invoking

of offence of SC/ST Act. The photographs clearly depict that an incident was taken place. Though it is contended that petitioners are not aware of the caste of the complainant, it is a matter of defence and the same has to be considered during the course of trial. Even prior to the date of incident also, photograph was taken and police have investigated the matter and filed the charge sheet. No dispute with regard to the acquisition and allotment and the writ petition filed by the original owner i.e., complainant was also dismissed. But the appeal was filed. But there is no stay with regard to the accusation is concerned. However, the matter is also pending before the Apex Court and an application was filed for impleadment and same was also allowed. The counsel for he petitioners would vehemently contend in view of the dispute between the parties, there cannot be any criminal act and the same cannot be accepted since the material discloses that the incident was taken place. Whether abused in a filthy language or not is also a subject matter of trial. Hence, I am of the opinion that petitioners have not made out any ground to quash the proceedings as sought in the petition since the matter requires trial. Accordingly, I answer the above point as negative.

Point No.2:

25. Having considered the prayer sought in respect of Crime No.586/2018, it discloses that the specific allegation is that incident was taken place on 21.11.2018. The counsel appearing for the petitioners also relies upon the earlier complaint dated 21.11.2018 (Annexure-C) wherein a complaint is given by one Lokesh and similar complaint is given by present complainant Smt. Manjulamma wherein also an allegation is made that caused loss to the property to the tune of Rs.10 to 15 lakhs. Already a private complaint was filed in respect of the said incident and photograph discloses that on 21.11.2018, the incident was taken place and number of people have gathered at the place of incident. The record discloses that Annexure-C is the complaint given by Lokesh wherein similar allegations are made and in the subsequent complaint which was filed by the present complainant, SC/ST Act was invoked. Hence, it is very clear that only with an intention to invoke the offences of SC/ST Act another complaint was given. Thus, it is a clear case of an abuse of process. Annexure-B and C are in respect of similar factual aspects. Hence, it is very clear that invoking of offence under Section 3(ii) and 3(x) of SC/ST Act is nothing but an abuse of process. But in respect of

other offences are concerned, the photographs are produced to show that the incident was taken place on 21.11.2018 and complaint is filed 3 days later. Whether such incident was taken place or not also to be unearth by the police and police have to conduct the investigation. If there is no such incident, the police can file B-report and if it is proved that there was an incident and damage is caused, A-report could be filed. Hence, in respect of invoking of SC/ST enactment is concerned, it requires to be set aside since the same is an afterthought and those offences are invoked after 3 days of the alleged incident. Accordingly, I answer the said point partly affirmative in favour of the petitioners.

Point No.3:

26. In Crl.P.No.301/2025, the petitioner has sought the prayer for quashing of FIR, charge sheet and further proceedings. The police have also investigated the matter and filed the charge sheet wherein reference is also made in respect of Sy.No.35/3. It is alleged that on 15.12.2018 at 01:00 p.m., when CW1 to CW5 were cleaning the said property, accused Nos.1, 3, 4, 5, 6 and 7 in furtherance of the common object, formed an unlawful assembly and trespassed the property of

CW1 and quarreled with CW1 to CW5 and abused in a filthy language. Accused Nos.4 and 5 pushed CW1, CW2, CW3 and CW5 and fisted on the face and also caused simple injuries all over the body. When CW4 having witnessed this incident came to pacify the galata, accused Nos.1, 3, 6 and 7 fisted on his face also and caused the simple injuries. Thereafter, all the accused persons caused the life threat against CW1 to CW5 and caused the damage to the sheet compound and the same is found during the course of investigation.

27. The counsel would vehemently contend that only with an intention to wreak vengeance against the petitioner, a false complaint is filed. The counsel also relies upon the judgment passed by the Single Judge in W.P.No.18316/2017 and contend that complainant is not in possession and the counsel also referred the wound certificate and contend that the injuries are simple in nature and though all of them have took the treatment on the same day but complaint was lodged belatedly on 14.01.2019 and FIR was registered in Cr.No.20/2019 that is almost after one month. No doubt, there is a delay in lodging the complaint and the same has not been explained. Thereafter, the case was transferred on 23.01.2024

and hence, complaint was registered subsequently. At the first instance, the case was registered in Cr.No.20/2019 by Kadugondanahalli Police Station and there were two orders passed by the DCP on 25.01.2019 and another one on 30.12.2023 and the letter of Halasuru Police and also the office of DCP dated 06.01.2024 and crime was registered as Cr.No.26/2024 of Govindapura police station. While filing the charge sheet also reference was made in respect of earlier complaint which was registered at K.G. Halli Police station in the document of Sl.No.3 and there was an order by the 11th ACMM and permission was taken from the Magistrate. All these documents clearly disclose that at the first instance, the case was registered in 2019 at K.G.Halli Police Station and wound certificates of injured Smt. Manjula, Smt. Yallama, Smt. Parvathi, Shri Manikanta, and Smt. Madhu also produced along with the charge sheet. So also produced the RTC and mutations and further statement of complainant was also recorded and statement of witnesses were also produced along with charge sheet. When such being the materials available on record that on the date of the incident, the injured persons went to the hospital and took treatment and their statements has to be considered during the course of trial and this Court cannot

appreciate the said factual aspect in a petition filed under Section 482 Cr.P.C. No doubt, there was a civil dispute between the parties and the same cannot be a ground to quash the proceedings when the incident was taken place and the injured persons have sustained the injuries and taken the treatment. The Court also cannot comes to the conclusion that only with the malafide purpose to achieve sinister goals, the complainant is harassing the petitioners and only as a counter blast, the complaints are filed. No doubt, there is a civil dispute between the parties and the same emanates from the records that which leads to an incident. Whether mischief was taken place or not is a matter of trial. The contention of the counsel for the petitioners that Section 447 also cannot be invoked cannot be accepted at this stage when the injured persons went to the hospital without any delay. When there are eyewitnesses and injured witnesses to the incident, their statements have also to be considered during the course of trial. The injured persons were first seen on the same day at 06:29 p.m., 06:31 p.m., 06:30 p.m. and all of them have sustained multiple injuries. The learned Magistrate also having received the charge sheet, taken the cognizance and perused the statement of witnesses and materials on record and accused No.2 is given up from the

charge sheet and cognizance was taken in respect of other accused persons. Hence, there cannot be any quashing of taking of cognizance also. Hence, the material collected by the IO during the course of investigation and the grounds which have been urged before the court could be used as a defence during the course of cross-examination as it is contended that with the oblique motive, complaint is filed. Hence, no ground is made out to quash the proceedings initiated against the petitioner as it requires trial. Accordingly, I answer this point as negative.

Point No.4:

28. In view of the discussions made above, I pass the following:

ORDER

The Crl.P.Nos.5059/2020 and 301/2025 are dismissed.

The Crl.P.No.1412/2020 is allowed in part in respect of offences alleged under the SC/ST Act and IO is permitted to investigate the matter in respect of other offences are concerned.

Sd/-
(H.P.SANDESH)
JUDGE

SN