HC-KAR

NC: 2026:KHC:60276
CRL.P No. 6601 of 2026

CNR: KAHC010305172026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 6601 OF 2026

BETWEEN:

1. SRI. MAHESH,
   S/O LATE GOVINDARAJU,
   AGED ABOUT 45 YEARS.

2. SMT BHAGYASWATHI,
   S/O LATE GOVINDARAJU,
   AGE ABOUT 64 YEARS,

   PETITIONER NO.1 AND 2
   BOTH ARE R/AT NO 301 1ST CROSS
   3RD BLOCK HRBR LAYOUT
   BANGALORE NORTH
   BANGALORE 560084.

...PETITIONERS

(BY SRI MALLIKARJUNA SWAMY S,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   THE STATION HOUSE OFFICER,
   BANASAWADI POLICE STATION,
   BANGALORE - 560084,
   REP BY ITS STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BANGALORE - 560 001.

2. SRI GOVINDARAJU,
   S/O LATE ABAIAH,
   AGED ABOUT 74 YEARS,
   R/A NO 301 1ST C CROSS, 3RD BLOCK,

Digitally Signed by ANANT RAMNATH HEGDE

HRBR LAYOUT, BANGALORE NORTH,
BANGALORE - 560084.

…RESPONDENTS

(BY SRI NAGHARISH G S,HCGP FOR R1)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE C.C.NO.53207/2024 CHARGE SHEET FILED BY THE RESPONDENT NO.1 POLICE IN CRIME NO.533/2023 FOR THE ALLEGED OFFENCE P/US/ 324,341,448,509 R/W SEC.34 OF IPC PENDING BEFORE THE XI ADDL CMM COURT MAYO HALL, BENGALURU CITY.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioners. Learned High Court Government Pleader accepts notice on behalf of the respondent.

2. This petition is filed to quash the charge sheet in C.C. No.53207/2024 arising from Crime No.533/2023.

3. The offences alleged under Sections 324, 341, 448 and 509 read with Section 34 of the Indian Penal Code, 1860 ('IPC').

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RAMNATH HEGDE

4. The matter is pending before the XI Additional Chief Metropolitan Magistrate, Mayo Hall, Bengaluru.

5. Learned counsel appearing for the petitioners would submit that the original complainant, who is the father of the petitioner No.1 is no more and the complaint is filed making false allegations because of the pending civil suit between the petitioners and the family members.

6. It is the submission that the petitioner No.1 has also filed a complaint relating to the same incident and the charge sheet is filed.

7. Learned HCGP would submit that since there was a case and counter case, the investigation is carried out and the charge sheets are filed in both the cases.

8. There is an allegation of assault and also there is an allegation that the incident is recorded and more than anything else, the wound certificate is also produced.

9. The Court has considered the contentions raised at the Bar and produced the records.

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RAMNATH HEGDE

10. Since there is a case and counter case, the presence of the parties at the scene of offence in a way is admitted at this stage. Since it is stated that the complainant was admitted to the hospital and has taken treatment on account of the injuries sustained in the alleged assault, the Court is of the view that the proceeding cannot be quashed at this stage.

11. Merely because the complainant is dead, it does not mean that the proceeding gets abated. There is an allegation of assault on the other family members of the complainant as well. The matter has to be tried to appreciate the contentions raised by the petitioners.

12. The petition is ***dismissed***.

13. Observations made in this order are only confined to the merits of the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') and not on the merits of the defence to be raised before the Trial Court.

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RAMNATH HEGDE

14. All contentions kept open.

Digitally Signed by ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 19
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