HC-KAR

NC: 2026:KHC:59773
WP No. 12964 of 2023

CNR: KAHC010305552023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 12964 OF 2023 (GM-RES)

BETWEEN:

1. KUM REMINA METILDA QUADRAS
   AGED ABOUT 30 YEARS
   D/O. MARCEL CYPRIAN QUADRAS

2. SRI. MARCEL CYPRIAN QUADRAS,
   AGED ABOUT 69 YEARS
   D/O. LATE. FRANCIS QUADRAS

   (BOTH ARE RESIDING AT D.NO.4-49/2,
   HOLY FAMILY, MULLAKAD HOUSE,
   KAVOOR POST,
   MANGALORE -575 015.

...PETITIONERS

(BY SRI. P.P. HEGDE., SENIOR ADVOCATE FOR
SRI. VENKATESH SOMAREDDI, ADVOCATE)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   THROUGH SUB-INSPECTOR OF POLICE
   KAVOOR POLICE STATION
   MANGALORE
   REPRESENTED BY STATE PUBLIC
   PROSECUTOR HIGH COURT OF
   KARNATAKA, AT BANGALORE
   BANGALORE- 560 001.

2. INSPECOTR OF POLICE
KAVOOR POLICE STATION
KAVOOR, MANGALURU,
KARNATAKA - 575 015.

3. COMMISSIONER OF POLICE
MANGALURU CITY
NEAR POLICE TRAINING SCHOOL,
PANDESHWAR, MANGALURU,
KARNATAKA-575 001.

4. SMT. MANJULA B.
W/O. SHIVANANDA,
AGED ABOUT 34 YEARS,
R/AT HOLY FAMILY, MULLAKAD HOUSE,
KAVOOR POST,
MANGALORE - 575 015.

…RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1 TO R3;
R-4 SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF CR.PC PRAYING TO QUASHING THE FIR IN CRIME NO 7/2023 OF KAVOOR POLICE STATION, MANGALORE REGISTERED FOR THE OFFENCES UNDER SECTIONS 324, 354, 504, 506 R/W 34 IPC AND UNDER SECTIONS 3(1)(R)(S), 3(2) (5A) OF SCHEDULE CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ORDINANCE 2014 VIDE ANNEXURE A AND ALSO COMPLAINT DATED 18/01/2023 ISSUED VIDE ANNEXURE-A1 PENDING ON THE FILE OF 2ND ADDL DISTRICT AND SESSIONS JUDGE MANGALURU AND ALL FURTHER PROCEEDINGS IN THE SAID CASE AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri. P.P. Hegde, learned Senior counsel appearing for the petitioners, Smt. K.P Yashodha, learned AGA for the respondent Nos.1 to 3.

2. Respondent No.4 is served with the notice and remained absent.

3. The present petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C with the following prayer:

> *" a. Issue a Writ of Certiorari or any other appropriate Writ or directions quashing the F.I.R in Crime No. 7/2023 of Kavoor Police Station, Mangalore registered for the offences under Sections 324,354,504,506 R/W 34 IPC and under sections 3(1)(r)(s), 3(2) (5a) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance 2014 vide Annexure A and also complaint dated 18-01-2023 issued vide Annexure A1, pending on the file of 2nd Addl district and Sessions Judge Mangaluru; and all further proceedings in the said case; and*
>
> *b. Issue appropriate writs or orders directing Respondent No.3 to consider the representation dated 12.06.2023 vide Annexure F and give proper protection to the Petitioners against the threats of registration of false criminal case by respondent No. 2 and issue appropriate orders directing Respondent No. 2/Inspector of Police from passing any threats of filing false cases/ interfering with the civil dispute between the Petitioners and respondent No.4 and*
>
> *c. Grant such other reliefs and orders as this Hon'ble Court may deem fit in the facts and circumstances of the case in the interest of justice and equity."*

4. The facts in the nut shell which are utmost necessary for disposal of the present petition are as under:

4.1 Respondent No.4 had lodged complaint with Kavoor Police Station, Mangaluru, that her father being a tenant of the premises of which the petitioners herein, who were the landlords.

5. There was a complaint earlier lodged that there is a forceful method used for evicting the respondent No.4 from the premises. Subsequently, based on such complaint, police gave an endorsement vide Annexure-E1 dated 17.01.2023, stating that no case has been made out. However, very next day, the complaint which is subject matter of the present petition came to be filed. The very lodging of the complaint is called in question by the petitioners herein.

6. Sri. P.P. Hegde, learned Senior counsel appearing for the petitioners, at the outset would submit that the respondent No.4 has vacated the premises and she is not residing in the vicinity and entire complaint averments itself is concocted,

especially having regard to the endorsement vide Annexure-E1 dated 17.01.2023.

7. He would further contend that the complaint is politically motivated and since the respondent No.4 has vacated the premises, the alleged apprehensions would no longer survive for the consideration and as such continuation of the criminal complaint would amount to abuse of process of law.

8. Per contra, Smt. K.P Yashodha, learned AGA for the respondent Nos.1 to 3 would contend that specific allegations are made about the attempt to outrage the modesty of the respondent No.4 and also abusing the respondent No.4 in filthy language in order to forcefully evict the respondent No.4 from the premises by the petitioners, which needs further investigation and filing of appropriate report and sought for dismissal of the petition.

9. Having heard the arguments of both sides, this Court noted the fact that the respondent No.4 has now vacated the premises of which the petitioners are the owner.

10. Taking note of the fact that the respondent No.4 has vacated the premises all other apprehensions would automatically gets into insignificance.

11. When the police have specifically issued an endorsement, a day earlier to the lodging of the complaint vide Annexure-E1, the complaint which is now subject matter of the petition is well drafted only with an intention to bring in the ingredients of the alleged offences with an intention to get protection from the police with regard to the possession of the respondent No.4 in respect of the premises of which the petitioner is the owner.

12. Further, respondent No.4 has vacated the premises, apprehensions expressed by her in the form of complaint would get quelled automatically. Therefore continuation of the criminal case is no longer warranted.

13. Accordingly, following:

ORDER

(i) Petition is ***allowed***.

(ii) F.I.R. in Crime No.7/2023 registered by the Kavoor Police Station, Mangaluru dated 18.01.2023 against the petitioners herein is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

RL
List No.: 1 Sl No.: 37