HC-KAR
CNR: KAHC010359322022

NC: 2026:KHC:64058
CRL.P No. 7496 of 2022
C/W CRL.P No. 7494 of 2022
CRL.P No. 1918 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.7496 OF 2022
C/W
CRIMINAL PETITION NO.7494 OF 2022
CRIMINAL PETITION NO.1918 OF 2023

IN CRL.P NO.7496/2022:

BETWEEN:

1. NATARAJ B.C.,
   AGED ABOUT 46 YEARS
   S/O LATE B.B. CHANNAIAH
   R/AT 388/862, 1ST MAIN
   2ND BLOCK, HBR LAYOUT
   KALYAN NAGAR
   BENGALURU-560043.

...PETITIONER

(BY SRI. S. DORERAJU, ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   BY SUBRAMANYA NAGARA POLICE
   STATION, BENGALURU.

2. ASSISTANT COMMISSIONER OF POLICE
   MALLESHWARAM SUB-DIVISION
   BENGALURU.

   BOTH RESPONDENT NO.1 AND 2 ARE
   REPRESENTED BY ITS STATE PUBLIC PROSECUTOR

HIGH COURT COMPLEX
BENGALURU-560001.

3. SRI. T.C. KRISHNA PRASAD
S/O LATE T.H.CHANDRASHEKARAIAH
AGED ABOUT 52 YEARS
R/AT NO.68, 4TH CROSS
TELECOM COLONY, THINDLU
BENGALURU-560097.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1 AND R2;
R3 - SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR DATED 19.03.2021 IN CR.NO.69/2021 CHARGE SHEET DATED 21.08.2021 AND ENTIRE PROCEEDINGS AGAINST THE PETITIONER UNDER THE SPECIAL CASE NO.1329/2021 FOR THE OFFENCES PUNISHABLE UNDER SECTION 3(1)(R) AND (S) OF SC/ST (POA) 1989 AND UNDER SECTIONS 342, 384, 448, 504 R/W SECTION 34 OF IPC 1860, PENDING BEFORE THE LXX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-71) AT BENGALURU.

IN CRL.P NO.7494/2022:

BETWEEN:

1. SRI. ROHIT T.J.
S/O LATE T.C. JAYANNA
AGED ABOUT 47 YEARS
R/AT NO.121,
1ST MAIN, 1ST CROSS
BASAVESHWARA LAYOUT
VIJAYANAGARA
BENGALURU-560040.

2. SMT. SHAMBHAVI V.,
W/O ROHIT T.J.
AGED ABOUT 37 YEARS

R/AT NO.121
1ST MAIN, 1ST CROSS
BASAVESHWARA LAYOUT
VIJAYANAGARA
BENGALURU-560040.

3. SRI. CHIRANJEEVI A.E.
S/O GANGADHARAIAH
AGED ABOUT 31 YEARS
R/AT NO.184/185
2ND MAIN, 2ND CROSS
CHAMARAJAPETE
BENGALURU-560004.

...PETITIONERS

(BY SRI. S. DORERAJU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SUBRAMANYA NAGARA POLICE
STATION, BENGALURU

2. THE ASSISTANT COMMISSIONER OF POLICE
MALLESHWARAM SUB-DIVISION
BENGALURU.

BOTH RESPONDENT NO.1 AND 2 ARE
REPRESENTED BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU-560001.

3. SRI. T.C. KRISHNA PRASAD
S/O LATE T.H. CHANRASHEKARAIAH
AGED ABOUT 52 YEARS
R/AT NO.68, 4TH CROSS
TELECOM COLONY, TINDLU
BENGALURU-560097.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1 AND R2;
R3 - SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR DATED 19.03.2021 IN CR.NO.69/2021 COMPLAINT DATED 19.03.2021 CHARGE SHEET DATED 21.08.2021 AND ENTIRE PROCEEDINGS AGAINST THE PETITIONER UNDER THE SPECIAL CASE NO.1329/2021 FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 3(1)(R) AND (S) OF SC/ST (POA) 1989 AND UNDER SECTIONS 342, 384, 448, 504 R/W SECTION 34 OF IPC 1860, PENDING BEFORE THE LXX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-71) AT BENGALURU.

IN CRL.P NO.1918/2023:

BETWEEN:

1. NITHIN KUMAR K.S.,
   S/O SANJEEV MURTHY
   AGED ABOUT 42 YEARS
   R/AT 33973, 7TH CROSS
   GAYATHRI NAGAR
   BENGALURU-560021.

2. SOMASHEKHAR M.R.,
   S/O RAJANNA
   AGED ABOUT 50 YEARS
   R/AT 58, MADALAKOTE
   NELAMANGALA-562123
   BENGALURU RURAL DISTRICT.

...PETITIONERS

(BY SRI. S. DORERAJU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY SUBRAMANYA NAGARA POLICE
   STATION, BENGALURU.

2. ASSISTANT COMMISSIONER OF POLICE
   MALLESHWARAM SUB-DIVISION, BENGALURU.

BOTH RESPONDENT NO.1 AND 2 ARE
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU-560001.

3. SRI. T.C. KRISHNA PRASAD
S/O LATE T.H. CHANDRASHEKARAIAH
AGED ABOUT 52 YEARS
R/AT NO.68, 4TH CROSS
TELECOM COLONY, TINDLU
BENGALURU 560097

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1 AND R2;
R3 - SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR DATED 19.03.2021 IN CR.NO.69/2021 FILED BY SUBRAMANYAPURA POLICE, BENGALURU AND CHARGE SHEET DATED 21.08.2021 AND ENTIRE PROCEEDINGS AGAINST THE PETITIONER UNDER THE SPL.C.NO.1329/2021 FOR THE OFFENCE PUNISHABLE UNDER SECTION 3(1)(r)(s) OF SC/ST (POA) 1989 AND UNDER SECTIONS 342, 384, 448, 504 R/W SECTION 34 OF IPC 1860, PENDING BEFORE THE LXX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-71) AT BENGALURU.

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

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

ORAL ORDER

Heard learned counsel for the petitioners and learned High Court Government Pleader for respondent Nos.1 and 2. The respondent No.3 though served is unrepresented.

2. The prayer is sought for in all the petitions by accused Nos.1 to 6 to quash FIR dated 19.03.2021 in Crime No.69/2021 and filing of charge sheet against the petitioners in Special Case No.1329/2021 for the offence punishable under Sections 342, 384, 448, 504 read with Section 34 of IPC and Section 3(1), (r), and (s) of the SC/ST Prevention of Atrocities Act, 1989.

3. The accusation made in the complaint while invoking the above offences by the complainant is that a work was undertaken for installation of new lift and also the petitioners i.e., petitioner No.1 and his wife instructed to start the work and in view of lockdown, the work could not be started and there was an agreement for an amount of Rs.8,50,000/- for the said work and received an amount of Rs.5,44,000/-, but not received the balance amount and differences have arisen between petitioners and the

complainant. Hence, on 13.03.2021, when he was along with his staff in the work place which was undertaken for construction, in between 11.00 to 11.30, petitioner No.1 and his wife and Nithin, Somashekhar and his relatives came and instructed to stop the work and abused in filthy language taking the caste name and caused threat that they are going to file a false case and directed to get the amount of Rs.3,00,000/-. But, when he had expressed that he is not having money, they went and took the car and obtained the signature in Form Nos.29 and 30 forcibly and his wife had signed the said forms due to threat and also even confined in a room. Hence, the police registered the case and investigated the matter and filed the charge sheet.

4. The police while filing the charge sheet recorded the statement of complainant and other witnesses i.e., C.W.2, C.W.3 and C.W.4, who are the panch witnesses when the mahazar was conducted near the house of C.W.1. C.W.5 speaks about forcibly taking the signature in respect of the vehicle, C.W.6 speaks about taking signature on Form Nos.29 and 30, C.W.7 speaks about panchanama, C.W.8 and C.W.9 speak

about seizure mahazar and C.W.10 speaks about causing threat as well as abuse made taking the caste name and so also, wrongfully confining C.W.1 and C.W.11 speaks about wrongful confinement and taking C.W.10 from Nanjappa Circle, C.W.12 speaks about the car and seizure mahazar by C.W.13 and C.W.14 and C.W.15 speak about recording the statement of complainant and witnesses, video graph made and prepared the CD. The Investigating Officer conducted the investigation by recording the statement of witnesses and filed the charge sheet.

5. The main contention of learned counsel appearing for the petitioners producing the documents before this Court is that a false case is registered against the petitioners, since there was a civil dispute between the parties with regard to payment of money is concerned and criminal colour is given making false allegation and even the allegation of abuse made in filthy language taking the caste abuse is within the building in which the construction was going on and not in a public place. The counsel also would submit that there is a delay of 5 days in filing the complaint and the same has not been

explained. When the incident has taken place in the first floor of the building under construction belonging to the accused Nos.1 and 2, it will not attract Section 3(1), (r) and (s) of the SC/ST Act and the same is not in the public place, since the accused Nos.1 and 2 insisted for refund of the advance money taken, because the complainant did not do the work and present complaint is filed with an oblique motive.

6. The counsel in support of his argument relies upon the document of complaint given on 18.02.2021 to the Subramanyanagar police by petitioner No.1 and copy of the endorsement issued by the police dated 19.02.2021 issued by the said police prior to lodging of this complaint. The counsel also would submit that an agreement was also entered into between the parties on 13.03.2021 and this document clearly discloses that payment was received and the document also very clearly mentions that as a security, car was given. When such being the case, forcibly taking the car as alleged in the complaint does not arise. The counsel also relies upon complaint given by respondent No.3-T. C. Krishna Prasad and also the letter issued by the Electricity Department dated

22.09.2021. When the lift installation work was not done by the complainant and had already received a total sum of Rs.7,80,500/- from the petitioners, proceedings was initiated before the District Consumer Forum and the same was allowed and directed to refund the amount. Hence, it is a clear case of giving criminal colour to the dispute regarding non-discharge of the work by the complainant.

7. Learned counsel for the petitioners in support of his argument relies upon judgment of the Apex Court **GUNJAN @ GIRIJA KUMARI AND OTHERS vs. STATE (NCT OF DELHI) AND ANOTHER** in **CRL.A.NO.2446/2026 (Arising out of SLP (Crl.) No.9198/2025** dated 11.05.2026**,** wherein discussion was made in detail that if any caste abuse is made that must be in a public place and counsel brought to notice of this Court discussion made in paragraph No.5.9 and so also paragraph No.6.5 and if the case abuse is not done in a public place, that too, not in a "place within public view", there cannot be initiation of criminal prosecution under the special enactment.

8. Per contra, the learned High Court Government Pleader appearing for respondent Nos.1 and 2 would submit that a specific accusation is made in the complaint with regard to the incident is concerned and also forcefully taking the vehicle is also mentioned in the complaint. The witnesses speak about the incident of abuse made and wrongful confinement. When such material is available on record, this Court cannot quash the proceedings.

9. Having heard learned counsel appearing for the petitioners and also learned High Court Government Pleader for respondent Nos.1 and 2, according to the complainant, incident has taken place on 13.03.2021, but document produced before the Court i.e., agreement between the parties is also dated 13.03.2021 and prior to that, a complaint was given by petitioner No.1 and endorsement was issued to that effect on 19.03.2021 and on perusal of the document of agreement, it is very clear that had agreed to repay the said amount of Rs.3,00,000/- and it is stated that already lift materials are supplied to the tune of Rs.2,88,000/- in order to clear the balance amount, the car was given as security. When such

averment is made in the agreement which is not in dispute, the same is signed by Smt. Sudharani as second party and also Consumer Forum passed an order vide order dated 05.04.2023 and when the installation work was not done, differences have arisen between the parties.

10. When such being the case when the documents placed before this Court clearly discloses about the differences between the parties and also the document clearly discloses that car was not taken forcibly, but the same was given as security to repay the amount, it is very clear that criminal colour is given to the civil dispute with regard to the payment and work which was not done. No doubt, learned counsel appearing for the petitioners relied upon the judgment of the Apex Court with regard to invoking of special enactment and admittedly, the incident has taken place in a house that too, in the first floor which was under construction stage and though C.W.10 is cited as a witness, but the fact is that when the incident has not taken place in a public place, in view of the judgment referred supra, question of invoking the special enactment also does not arise. When this Court comes to the

conclusion that when the work was not completed, a dispute has arisen between the parties and also when the document of agreement came into existence as contented by learned counsel appearing for the petitioners i.e., dated 13.03.2021, the incident is also on the same day i.e., 13.03.2021. Hence, it is very clear that with regard to the differences, complaint was filed, that too, with the delay i.e., on 19.03.2021 which is also subsequent to the document dated 13.03.2021. Hence, it is a clear case that criminal colour is given to the dispute between the parties which is civil in nature, that too with regard to balance payment and he only handed over the vehicle and the said facts are twisted while lodging the complaint that forcibly signatures were taken on Form Nos.29 and 30. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C. or otherwise it amounts to miscarriage of justice and it is a clear case of abuse of process taking advantage of the fact that complainant belongs to a particular caste, since accusation relating to caste is also made while invoking the special enactment.

11. In view of the discussion made above, I pass the following:

ORDER

(i) The criminal petitions are ***allowed***.

(ii) The FIR dated 19.03.2021 in Crime No.69/2021 and charge sheet against the petitioners in Special Case No.1329/2021 for the offence punishable under Sections 342, 384, 448, 504 read with Section 34 of IPC and Section 3(1), (r), and (s) of the SC/ST Prevention of Atrocities Act, 1989 is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 28