HC-KAR
NC: 2026:KHC:61604
CRL.P No. 8051 of 2022
CNR: KAHC010377592022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.8051 OF 2022

BETWEEN:

1. SRI. S.J. MADHU @ MAHADEVA,
S/O JAVAREGOWDA,
AGED ABOUT 47 YEARS,
R/AT KADUSONNAPPANAHALLI VILALGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU SOUTH,
BENGALURU DISTRICT-562149.

...PETITIONER

(BY SRI. LEELADHAR H.P., ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA,
BY BAGALUR POLICE STATION,
BENGALURU DISTRICT,
REPRESENTED BY SPP,
HIGH COURT BUILDINGS,
BENGALURU-560001.

2. SMT. ARCHANA,
W/O SATISH MAHENDRAKAR,
AGED ABOUT 28 YEARS,
JUNIOR WOMEN HEALTH ASSISTANT,
R/AT QUARTERS OF HEALTH SUB CENTRE,
KADSONNAPPANAHALLI VILLAGE,
BIDARAHALLI HOBLI,

BENGALURU EAST TALUK,
BENGALURU DISTRICT-562149.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. HARISH N.R., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.2683/2020 (IN CR.NO.157/2018 OF THE 1ST RESPONDENT POLICE) PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C., DEVANAHALLI, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 354, 332, 354(B), 353, 341, 504 AND 506(B) OF IPC AND ALLOW THE ABOVE PETITION IN THE ABOVE CASE.

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

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

ORAL ORDER

Heard the learned counsel for the petitioner, the learned Additional SPP appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. The prayer sought in the petition is to quash the charge-sheet filed against the petitioner for the offences punishable under Sections 354, 332, 354B, 353, 341, 504 and 506B of IPC.

3. The accusation made in the charge-sheet is that this petitioner is working as a member of Kadusonnappanahalli Grama Panchayath and CW1 is working as a Junior Women Health Assistant, and that from 28.12.2026 to 27.07.2018 when the complainant CW1 was visiting the office along with CW2, this petitioner was troubling both of them and causing obstructions to discharge the public duty. Particularly on 12.07.2018, when there was a meeting in connection with Health Department and when CW1, CW2 and CW3 visited Grama Panchayath, this petitioner abused CW1 and CW2 in a filthy language calling them as stupid and idiot and called CW1 as loafer and assaulted on her shoulder with his hands and so also had thrown the government documents on her face and also caused life threat. The police investigated the matter having received the complaint and cited the witnesses who have witnessed the incident of assault as well as abuse and causing of life threat.

4. The learned counsel for the petitioner would vehemently contend that no such incident was taken place. The learned counsel particularly brought to the notice of this Court the document of Annexure-P, wherein the President of the Grama Panchayath has stated that no such incident was taken place, but there was a complaint against Dr. Ramya and also this complainant and the said letter was given to the Commissioner, Health Department. When such being the case, the present complaint is filed only with an intention to harass the petitioner. The learned counsel would submit that no such incident was taken place and the statement of witnesses recorded during the course of investigation is created and the offences which have been invoked against the petitioner will not attract. The learned counsel also brought to the notice of this Court the ingredients of Sections 332 and 354 of IPC and contend that it is nothing but a counter-blast as against the complaint given against the complainant and the doctor and hence, it requires interference of this Court.

5. Per contra, the learned counsel for respondent No.2/complainant would submit that CW1, CW2 and CW3 were present at the time of the incident and statements are recorded and they are the eye witnesses to the incident and the doctors CW6, CW7, CW8 and CW9 have also made the statement. The learned counsel relied upon the statement of the President of the Grama Panchayath, wherein he has categorically stated that he had called CW1 to CW3, at that time, the incident was taken place and hence, it is a matter of trial and the Court cannot quash the proceedings with regard to the disputed issue of assault as well as causing obstruction in discharge of duty and outraging the modesty of a woman.

6. The learned Additional SPP appearing for respondent No.1/State also reiterates the same in his argument that when the statement of witnesses are recorded, the matter requires trial.

7. Having heard the learned counsel for the respective parties, the learned counsel for the petitioner brought to the notice of this Court Annexure-J dated 10.07.2018, Annexure-K dated 18.07.2018, Annexure-L dated 18.07.2018, Annexures-M and N complaint given against the complainant and the Medical Officer and so also Annexure-P letter dated 30.07.2018 and no doubt, these are the documents prior to the date of the incident as contended by the learned counsel for the petitioner. But when the incident was taken place, specific allegations are made against the petitioner, that he being a member of a particular Grama Panchayath, abused and assaulted as well as had thrown the documents on the face of the complainant and this incident was witnessed by the witnesses who have been cited in the charge-sheet. The disputed fact cannot be decided in a petition under Section 482 of Cr.P.C. whether such incident was taken place or not and when the eye witnesses are also cited during the course of investigation and filed the charge-sheet, whether

the ingredients of Sections 332 and 354 attracts or not, is a matter of trial. The documents which have been relied upon by the learned counsel for the petitioner can be relied upon at the time of cross-examination and these defence documents cannot be relied upon by this Court while invoking Section 482 of Cr.P.C. and hence, it is a matter of trial. Hence, I do not find any grounds to quash the proceedings initiated against the petitioner.

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

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 44