HC-KAR

NC: 2026:KHC:59590
CRL.P No. 7662 of 2024

CNR: KAHC010426532024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7662 OF 2024

BETWEEN:

1. GURUPRASAD
   S/O LATE S RAMESH RAO
   AGED ABOUT 50 YEARS
   R/A NO 3 -162, SITE NO 604,
   3RD BLOCK, KATIPALLA,
   MANGALURU TALUK,
   D.K DISTRICT - 575 030

2. AMAR KOTE
   S/O ANNAPPA KOTE
   AGED ABOUT 37 YEARS
   R/A NO.10-135-8, M.C ROAD,
   SHANTINAGAR, PRANTHYA NAGAR
   KODANGALLU POST,
   MOODABIDRI TALUK
   D.K DISTRICT - 574 197

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

3. P RAGAVENDRA BHAT
   S/O P PURUSHOTHAMA BHAT
   AGED ABOUT 50 YEARS,
   R/AT NO.10-125/B,
   SHARADA NILAYAM,
   M.C ROAD, PRANTHYA GRAMA
   MOODABIDRI TALUK
   D.K DISTRICT - 574 197

4. RANJITH SHETTY
   S/O LATE JAGANATH SHETTY

AGED ABOUT 34 YEAR S
R/A SUMA NIVASA,
KARINJE GRAMA,
TACCODE POST,
MOODABIDRI TALUK,
D.K DISTRICT - 574 197

5. NARAYANA PATALI
S/O APPU PATALI,
AGED ABOUT 40 YEARS
R/AT KODADA BETTU MANE,
MARPADY GRAMA,
MOODABIDRI TALUK,
D.K DISTRICT - 574 227

6. SURESH
S/O DEJAPPA MESTRI
AGED ABOUT 50 YEARS
R/AT DARKASTHU MANE,
KARAYAGUNDI,
KODANGALLU,
MOODABIDRI TALUK
D.K DISTRICT - 574 197

…PETITIONERS

(BY SRI. BALAKRISHNA M.R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY MOODABIDRI PS,
D.K DISTRICT
REPRESENTED BY ITS
TATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU -560 001

2. PADMANABHA SAMAGARA
S/O LATE KRISHNA SAMAGARA,
AGED ABOUT 65 YEARS
R/A SHRI KRISHNA NIVASA,

NO.3/160, MARPADY GRAMA
GANDHINAGAR,
MOODABIDRI TALUK
D.K DISTRICT - 575 002

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO SET ASIDE THE ORDER OF TAKING CONGNIZANCE DATED 10.06.2024 PASSED BY THE HON'BLE II ADDL. DIST. AND SESSIONS JUDGE, D.K. MANGALURU IN SPL.C.NO.91/2024 FOR THE OFFENCE P/U/S 341, 504, 506 OF IPC AND SEC. 3(1)(r)(s)(z)(c) OF SC / ST POA ACT, 1989, BASED ON THE CHARGE SHEET FILED BY THE RESPONDENT NO.1 / MOODABIDRI P.S.,

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 6 in Spl.C.No.91/2024, arising out of Crime No.52/2024, registered by Moodabidre Police, for the offences punishable under Sections 341, 504, 506 of IPC and Section 3(1)(r)(s), Z(c) of SC/ST (POA) Act, pending on the file of II Addl. District and Sessions Judge, D.K., Mangaluru.

2. The brief facts of the case are, respondent No.2 lodged the complaint before respondent No.1-Police on 26.03.2024 alleging that he is running a footwear shop in the commercial complex situated in front of the Veerabhadraswamy Temple, Moodabidre. The petitioner No.1 herein, being the Managing Trustee of the said temple, instituted a suit in S.C.No.65/2023. Thereafter, petitioner No.1 also filed few writ petitions before this Court to demolish the commercial complex situated in front of the temple. As such, there is a vengeance in between the petitioners and respondent No.2. Things stood thus, on 22.04.2023, petitioner No.1 closed the temple for a period of 11 months by stopping all the pooja activities. Later, on 08.03.2024, he opened the temple and started preparation to perform pooja. Observing the same, CW.2 - Divakar Acharya objected for the same that without giving any prior notice to the devotees including him, petitioner No.1 opened the temple and indulged in pooja activities. Later, the said Divakar Acharya called respondent No.2 to the temple and they both made an attempt to stop petitioner No.1 to perform pooja. At that time, petitioner No.1 instigated petitioner Nos.2 to 5 and all of them

abused respondent No.2 by mentioning his caste knowing fully that he belongs to the Scheduled Tribe. Further, they along with accused No.6 also foisted life threat to respondent No.2. As such, he lodged the present complaint before respondent No.1-Police.

3. On the strength of the said complaint, respondent No.1-Police registered the FIR in Crime No.52/2024 dated 26.03.2024 for the offences punishable under Sections 504 and 506 of IPC and Section 3(1)(r)(s) of SC/ST (POA) Act. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against the petitioners for the offences punishable under Sections 341, 504 and 506 of IPC and Section 3(1)(r)(s), Z(c) of SC/ST (POA) Act. Accordingly, the learned Special Judge took cognizance of the offences. Aggrieved by the same, the petitioners preferred this petition to quash the proceedings.

4. Heard the learned counsel for the respective parties. Despite service of notice, respondent No.2 remained absent.

5. Apart from urging several contentions, learned counsel for the petitioners primarily contended that no such incident has been caused on 08.03.2024, as claimed by respondent No.2. According to him, this complaint has been filed against the petitioners in order to give criminal colour to the civil dispute pending against respondent No.2. He further contended that, petitioner No.1, being the Managing Trustee of the temple, apart from instituting a suit for eviction of respondent No.2, he also filed several writ petitions before this Court to demolish the existing commercial complex situated in front of the temple. As such, for wreaking vengeance against petitioner No.1 and others, a false complaint has been foisted by respondent No.2 against the petitioners. Additionally, he contended that there is an inordinate delay of 18 days in lodging the complaint and no proper explanation has been stated by respondent No.2 for an inordinate delay in lodging the complaint. In such circumstances, it could be easily presumed that a false complaint has been filed against the petitioners. With these submissions, he prays to allow the petition.

6. *Per contra*, learned HCGP opposed the aforesaid prayer and submitted that now the charge sheet has been filed and the statement of material witnesses reveals the involvement of these petitioners in the alleged crime. He also contended that, CWs.2 to 6 being the eyewitnesses to the incident, they pacified the quarrel between the petitioners and respondent No.2 and due to some ailments, he was unable to lodge a complaint for a period of 18 days. He also contended that the delay in lodging the complaint itself does not take away the complaint averments. Accordingly, he prays to dismiss the petition.

7. I have given my anxious consideration to the submissions and perused the entire materials made available on record.

8. As could be gathered from the charge sheet materials, admittedly, petitioner No.1, being the Managing Trustee of the Veerabhadraswamy Temple, Moodabidre, instituted a suit against respondent No.2 for eviction. He also filed several writ petitions before this Court against the Deputy

Commissioner and other Revenue Officers seeking a direction to demolish the existing commercial complex situated in front of the temple. Thereafter, this complaint has been filed on 26.03.2024 in connection with the incident dated 08.03.2024. According to respondent No.2, on 08.03.2024, petitioner No.1 opened the temple and made an attempt to perform pooja, at that time, when CW.2 and respondent No.2 objected the same, the petitioners abused respondent No.2. The complaint and charge sheet averments do not disclose that, in order to belittle the caste of respondent No.2, the petitioners mentioned his caste name and insulted him. Moreover, if the incident had been really caused as claimed by respondent No.2, then nothing prevented him to lodge a complaint immediately thereafter. The reason for inordinate delay of 18 days in lodging the complaint has not been properly explained by respondent No.2. The complaint averments also do not disclose the presence of accused Nos.2 to 6 initially. Admittedly, there is a civil dispute pending between petitioner No.1 and respondent No.2 and in order to give criminal color to the said civil dispute, by wreaking vengeance, respondent No.2 filed this present

complaint. In such circumstance, the Hon'ble Apex Court in the case of ***Mahmood Ali v. State of U.P.*, - (2023) 15 SCC 488**, at paragraph Nos.11 to 14, held as under:

> ***"11.*** *At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.*
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> ***12.*** *We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.*
>
> ***13.*** *In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the*

issue of wreaking vengeance out of private or personal grudge as alleged.

14. *State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)*

> *"5. … Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.*
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> *6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)*

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."

(emphasis supplied)

9. Further, The Hon'ble Apex Court in the case of ***BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT*** in

SLP (Crl) No.15537/2023 dated 22.05.2026, held in paragraph Nos.52 to 54 as under:

> "***52***. *The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.*
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> ***53***. *We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.*
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> ***54***. *The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,12 namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."*

9. Collocating the findings of the Hon'ble Apex Court in the above judgments to the facts and circumstances of the present case, the complaint appears to have been lodged

against the petitioners by respondent No.2 out of wreaking vengeance. In such circumstance, even if the allegations made in the charge sheet are taken at its face value, no offences are made out against the petitioners. Therefore, continuation of proceedings against the petitioners/accused Nos.1 to 6 would amount to abuse of the process of Court. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed***.

ii. The proceedings against the petitioners/accused Nos.1 to 6 in Spl.C.No.91/2024, arising out of Crime No.52/2024, registered by Moodabidre Police, for the offences punishable under Sections 341, 504, 506 of IPC and Section 3(1)(r)(s), Z(c) of SC/ST (POA) Act, pending on the file of II Addl. District and Sessions Judge, D.K., Mangaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 28