HC-KAR

NC: 2026:KHC:61681
WP No. 19678 of 2025

CNR: KAHC010432392025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.19678 OF 2025 (GM-RES)

BETWEEN:

1. JOHNSON SANTHOSH SERRAO
   S/O LATE CHARLES SERRAO
   AGED ABOUT 35 YEARS

2. MRS. SEVERINE SERRAO,
   W/O LATE CHARLES SERRAO,
   AGED ABOUT 63 YEARS,

   BOTH NO.1 AND 2 ARE
   RESIDING AT NEKKARE HOUSE,
   CHIKKAMUDNOOR POST AND VILLAGE,
   PUTTUR TALUK,
   D.K. DISTRICT
   SENIOR CITIZEN BENEFIT NOT CLAIMED.

...PETITIONERS

(BY SRI. DIVEEN VARMA B, ADVOCATE)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   BY PUTTUR TOWN POLICE STATION,
   PUTTUR TALUK, D.K. DISTRICT,
   REP. BY STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU -560 001.

2. MRS. IRIN SERAVO,
   W/O LIGORI SERAVO,
   AGED ABOUT 53 YEARS,
   NEKKARE HOUSE,
   CHIKKAMUDNOOR POST AND VILLAGE,

PUTTUR TALUK,
D.K. DISTRICT-574 201.

…RESPONDENTS

(BY SRI K.P.YASHODHA, ADDITIONAL GOVERNMENT ADVOCATE FOR R1;

R2 –SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE CHARGE SHEET NO.18/2024 DATED 20/12/2023 IN CC NO.265/2024 FOR THE OFFENCE SECTION 504, 323, 325 AND 34 OF INDIAN PENAL CODE, 1860 BEFORE THE COURT OF PRL. SENIOR CIVIL JUDGE AND ACJM AT PUTTUR, D.K. DISTRICT (ANNEXURE-F) 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

Heard Sri Diveen Varma B, learned counsel for the petitioner and Smt.K.P.Yashodha, learned Additional Government Advocate.

2. Accused Nos.1 and 2 in C.C No.265/2024 on the file of the Principal Senior Civil Judge and ACJM, Putturu, Dakshina Kannada, have preferred the present writ petition under Articles 226 and 227 of the Constitution of India r/w Section

482 of the Code of Criminal Procedure with the following prayer:

> *"Quash the charge sheet No.18/2024 dated 20.12.2023 in C.C.No.265/2024 for the offence Section 504, 323, 325 and 34 of Indian Penal Code, 1860 before the Court of Prl. Senior Civil Judge and ACJM at Puttur, D.K. District. (Annexure-F); and*
>
> *Quash the private complaint in the filed of Prl. Civil Judge and JMFC at Puttur, D.K. District in Criminal Misc.Case No.104 of 2023 (Annexure-D); and*
>
> *Quash the FIR dated 20.12.2023 bearing Crime No.0123/2023 of Puttur Town Police Station to the extent of the petitioner No.1 and 2 (Annexure-E)."*

3. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under:

3.1 Second respondent lodged a complaint with the Putturu Town Police Station on 20.12.2023 which was registered in Crime No.0123/2023 initially for the offence punishable under Section 323, 504 r/w Section 34 of the Indian Penal Code.

4. Gist of the complaint averments would reveal that second respondent was living with her children and there was a quarrel

with regard to the pathway. A civil suit was pending between the petitioners and the second respondent.

5. When the matter stood thus, on 31.10.2023 petitioners herein said to have erected the barbed wire fencing. At about 04:15 p.m when second respondent along with her children went to remove the said barbed wire fencing which was being illegally laid by the petitioners herein, both the petitioners said to have abused the second respondent in filthy language and there was a voluntary push of the second respondent by the petitioners herein, due to which, second respondent suffered injuries.

6. When the husband of the second respondent viz., Santhosh came to the rescue of his wife, he was also assaulted by the petitioners herein.

7. Police, after receipt of the complaint, thoroughly investigated the matter and filed the charge sheet.

8. Column No. 17 of the charge sheet, clearly mentions that there was a fracture injury caused to the second respondent.

9. As a result, offence under Section 325 of the Indian Penal Code also came to be incorporated. When the charge sheet came to be filed, learned Trial Magistrate took cognizance of the offences alleged against the petitioners herein and issued summons.

10. Order taking cognizance and summoning the petitioners is called in question in this writ petition.

11. Learned counsel for the petitioners Sri Diveen Varma, reiterating the grounds urged in the petition, vehemently contended that there is a civil dispute pending between the parties.

12. In order to gain upper hand in the said civil dispute, a false complaint has been filed by the second respondent which has been perfunctorily investigated and a false charge sheet came to be filed by the jurisdictional police and thus sought for quashing of the pending criminal case.

13. *Per contra*, Smt.K.P.Yashodha, learned Additional Government Advocate would support the filing of the charge

sheet, order taking cognizance and proceeding with the criminal trial.

14. Second respondent served with notice of the petition and remained absent.

15. Having heard the arguments of learned counsel for the petitioners and learned Additional Government Advocate, this Court perused the material on record meticulously.

16. On such perusal of the material on record, it is noted that, in the very complaint itself, complainant has specifically mentioned about pendency of the civil dispute between the parties.

17. Therefore there is no substance in the argument that is put forward on behalf of the petitioners herein that a civil dispute has been given the colour of criminality.

18. Further, the genesis of the crime as per the prosecution case is that when the petitioners have erected the barbed wire fencing onto the road which is subject matter of the civil suit which was sought to be removed by the second respondent at

about 04:15 p.m. wherein the altercation has taken place, not only second respondent has been pushed by the petitioners herein but also husband of the second respondent has been pushed and assaulted by the petitioners herein.

19. After the injured were examined, police at the time of investigation, have collected the material which would attract the offence under Section 325 of the Indian Penal Code as well, as there is a fracture injury.

20. At this juncture, learned counsel for the petitioners would invite the attention of this Court that in the wound certificate, there is a scratching of the word 'simple injury' and then made it to 'grievous injury'.

21. He would further contend that it is a clear concoction by the investigation agency in active collusion with the complainant and therefore, a trivial incident has been blown out of proportion.

22. In this regard, this Court bestowed its attention to the 'wound certificate' of the injured placed on record.

23. There is a mention of the fracture injury in the very wound certificate itself. As such, the injury is to be termed as 'grievous injury' under Section 320 of the Indian Penal Code.

24. Nevertheless, these disputed aspects of the matter are to be adjudicated during the trial and it is beyond the scope of an enquiry under any writ jurisdiction.

25. Therefore, reserving the liberty for the petitioners herein to urge all available defences including filing an application for discharge, this Court is of the considered opinion that no grounds are made out to quash the pending proceedings.

26. Hence, the following:

ORDER

Petition ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 55
CT:VRR