Reserved on : 02.09.2026
Pronounced on : 04.11.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10043 OF 2023

C/W

CRIMINAL PETITION NO. 10247 OF 2023

CRIMINAL PETITION NO. 6202 OF 2025

CRIMINAL PETITION NO. 7699 OF 2025

CRIMINAL PETITION NO. 8316 OF 2025

CRIMINAL PETITION NO. 11620 OF 2025

CRIMINAL PETITION NO. 475 OF 2026

IN CRL.P No. 10043/2023

BETWEEN:

Digitally signed by RAKESH S HARIHAR
Location: High Court of Karnataka, Dharwad Bench

1. SRI VARUN SAI SRIDHAR
   S/O SRIDHAR RAMASWAMY
   AGED ABOUT 40 YEARS
   RESIDING AT NO.3314,
   13TH MAIN ROAD, HAL 2ND STAGE,
   INDIRANAGAR
   BENGALURU – 560 008.

2. SMT.ASHWINI
W/O VARUN SAI SRIDHAR
AGED ABOUT 36 YEARS
RESIDING AT NO.3314,
13TH MAIN ROAD, HAL 2ND STAGE,
INDIRANAGAR
BENGALURU – 560 008.

…PETITIONERS

(BY SRI SHASHANK NAGENDRAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY INDIRANAGAR POLICE STATION
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS,
CUBBON PARK,
BENGALURU – 560 001.

2. SMT. YAMINI MUNIRAJ,
AGED ABOUT 26 YEARS
RESIDING AT NO.3314,
13TH MAIN ROAD, HAL 2ND STAGE,
INDIRANAGAR
BENGALURU – 560 008.

…RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI H.MANJUNATH, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.229/2023 OF THE INDIRANAGAR POLICE STATION, REGISTERED FOR THE OFFENCES P/U/S.504, 509 OF IPC

R/W SEC.34 OF IPC, PENDING ON THE FILE OF THE HON'BLE X ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU AS AGAINST THEM.

IN CRL.P NO. 10247/2023

BETWEEN:

1. RAMAIAH MUNIRAJU
   S/O B.M.RAMAIAH
   AGED ABOUT 52 YEARS.

2. NALINI MUNIRAJ
   W/O MUNIRAJ
   AGED ABOUT 52 YEARS.

3. YAMINI MUNIRAJ
   D/O MUNIRAJ
   AGED ABOUT 26 YEARS.

4. DARSHANA MUNIRAJ
   S/O MUNIRAJ
   AGED ABOUT 20 YEARS

   PETITIONERS NO.1 TO 4 ALL ARE
   RESIDING AT NO.10/3
   BYRAVESHWARA NILAYA
   13TH MAIN, 1ST CROSS
   NEAR BODY CRAFT
   INDIRANAGAR
   BENGALURU NORTH
   HAL II STAGE, BENGALURU NORTH
   BENGALURU

KARNATAKA – 560 008.

...PETITIONERS

(BY SRI H.MANJUNATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
INDIRANAGARA POLICE STATION
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 01.

2. ASHWINI B.,
W/O VARUN SAI
AGED ABOUT 36 YEARS
RESIDING AT NO.3314
7TH CROSS, 13TH MAIN
HAL 2ND STAGE, INDIRANAGAR
BENGALURU CITY
BENGALURU – 572 218.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI S.RAJASHEKAR, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.231/2023 OF THE INDIRANAGAR POLICE PENDING ON THE FILE OF X ADDL.C.M.M., MAYO HALL, BENGALURU, FOR THE OFFENCES P/U/S 427, 506, 341, 504, 149 OF IPC.

IN CRL.P NO. 6202/2025

BETWEEN:

1. SRI VARUN SAI SRIDHAR
S/O SRIDHAR RAMASWAMY,
AGED ABOUT 36 YEARS
RESIDING AT NO.3314,
13TH MAIN, 7TH CROSS, HAL II STAGE,
INDIRANAGAR, BENGALURU – 560 008.

...PETITIONER

(BY SRI S.RAJASHEKAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY INDIRANAGAR POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU – 560 001.

2. YAMINI MUNIRAJU
D/O MUNIRAJU,
AGED ABOUT 27 YEARS,
RESIDING AT: 10/3, 1ST CROSS,
13TH MAIN, HAL 2ND STAGE,
INDIRANAGAR,
BENGALURU – 560 008.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI H.MANJUNATH, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 528 OF BNNS PRAYING TO QUASH THE FIR IN CRIME NO.73/2025 OF INDIRANAGAR POLICE STATION ON THE FILE OF 10TH ADDL.CMM COURT, MAYOHALL, BENGALURU, REGISTERED FOR THE O/P/U/S 74, 75, 76 AND 126(2) OF THE BNS, 2023.

IN CRL.P NO. 7699/2025

BETWEEN:

1. SRI VARUN SAI SRIDHAR
   S/O SRIDHAR RAMASWAMY,
   AGED ABOUT 42 YEARS
   RESIDING AT NO.3314, 13TH MAIN,
   7TH CROSS, HAL II STAGE,
   INDIRANAGAR,
   BENGALURU – 560 008.

...PETITIONER

(BY SRI S.RAJASHEKAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY INDIRANAGAR POLICE STATION,
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BENGALURU – 560 001.

2. YAMINI MUNIRAJU,
   D/O MUNIRAJU, MAJOR,
   RESIDING AT: 10/3, 1ST CROSS,
   13TH MAIN, HAL 2ND STAGE,
   INDIRANAGAR,

BENGALURU – 560 008.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI H.MANJUNATH, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 528 OF BNSS PRAYING TO QUASH THE FIR IN CRIME NO.93/2025 OF INDIRANAGAR POLICE STATION ON THE FILE OF 10TH ADDL. CMM COURT, MAYOHALL, BENGALURU, AND REGISTERED FOR THE OFFENCES P/U/S.74 AND 351(2) OF THE BNS, 2023.

IN CRL.P NO. 8316/2025

BETWEEN:

1. MUNIRAJ R.,
   S/O B.M.RAMAIAH
   AGED ABOUT 53 YEARS.

2. YAMINI MUNIRAJ
   D/O MUNIRAJ R.,
   AGED ABOUT 27 YEARS.

3. DARSHANA MUNIRAJ
   S/O MUNIRAJ R.,
   AGED ABOUT 21 YEARS

   PETITIONERS NO.1 TO 3 ARE
   RESIDING AT NO.10/3
   BYRAVESHWARA NILAYA,
   1ST CROSS, 13TH MAIN,
   HAL 2ND STAGE, INDIRANAGAR,

BENGALURU - 560 008.

...PETITIONERS

(BY SRI H.MANJUNATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY INDIRANAGAR POLICE STATION
   REPRESENTEDBY ITS
   STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BENGALURU – 560 001.

2. VARUN SAI SHRIDHAR
   S/O LATE SRIDHAR RAMASWAMY,
   AGED ABOUT 40 YEARS,
   RESIDING AT NO. 3314,
   7TH CROSS, 13TH MAIN, HAL 2ND STAGE,
   INDIRANAGAR, BENGALURU – 560 008.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI S.RAJASHEKAR, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 528 OF BNSS PRAYING TO QUASH THE REGISTERED FIR IN CRIME NO.74/2025 DATED 10.04.2025 AGAINST THE PETITIONER REGISTERED BY THE INDIRANAGAR POLICE STATION PENDING IN THE 10TH ACMM COURT MAYOHALL BENGALURU CITY, FOR ALLEGED OFFENCE P/U/S 115(2), 126(2), 3(5) AND 329(3) OF THE BNSS, 2023.

IN CRL.P NO. 11620/2025

BETWEEN:

1. YAMINI MUNIRAJ
   D/O R.MUNIRAJ
   AGED ABOUT 28 YEARS.

2. NALINI MUNIRAJ
   W/O R.MUNIRAJ
   AGED ABOUT 50 YEARS

   PETITIONERS NO.1 AND 2 ARE
   RESIDING AT NO.10/3
   BYRAVESHWARA NILAYA,
   1ST CROSS, 13TH MAIN,
   HAL 2ND STAGE, INDIRANAGAR,
   BENGALURU – 560 008.

...PETITIONERS

(BY SRI H.MANJUNATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY INDIRANAGAR POLICE STATION
   REPRESENTED BY ITS
   STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BENGALURU – 560 001.

2. VARUN SAI SHRIDHAR
   S/O LATE SRIDHAR RAMASWAMY,
   AGED ABOUT 46 YEARS,

RESIDING AT NO.3314,
7TH CROSS, 13TH MAIN, HAL 2ND STAGE,
INDIRANAGAR, BENGALURU – 560 008.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI S.RAJASHEKAR, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 528 OF BNSS PRAYING TO QUASH THE FIR IN CR.NO.103/2025 DATED 13.05.2025 REGISTERED BY THE INDIRANAGAR P.S PENDING ON 10TH ACMM COURT MAYOHALL BENGALURU CITY, THE OFFENCES ALLEGED U/S 118(1), 126(2) AND 190 OF BNSS, 2023 AS BEING MALICIOUS, RETALIATORY AND AN ABUSE OF PROCESS.

IN CRL.P NO. 475/2026

BETWEEN:

1. R.MUNIRAJ
S/O B.M.RAMAIAH
AGED ABOUT 54 YEARS,
RESIDING AT NO.10/3,
BYRAWESHWARA NILAYA,
13TH MAIN, 1ST CROSS,
NEAR BODY CRAFT.
INDIRANAGAR,
BENGALURU NORTH – 560 008.

2. NALINI MUNIRAJ
W/O MUNIRAJ
AGED ABOUT 54 YEARS,
RESIDING AT NO. 10/3,
BYRAWESHWARA NILAYA,
13TH MAIN, 1ST CROSS,

NEAR BODY CRAFT, INDIRANAGAR,
BENGALURU NORTH – 560 008.

3. YAMINI MUNIRAJ
D/O MUNIRAJ
AGED ABOUT 28 YEARS,
RESIDING AT NO.10/3,
BYRAWESHWARA NILAYA,
13TH MAIN, 1ST CROSS,
NEAR BODY CRAFT, INDIRANAGAR,
BENGALURU NORTH – 560 008.

4. RONITH PEMMAIAH B.S.,
S/O B.K.SUBRAMANI
AGED ABOUT 28 YEARS,
RESIDING AT
DEVARAPURA VILLAGE AND POST,
DEVARAPURA, GONIKOPPAL,
KODAGU – 571 213.

5. KUSUMA G.N.,
D/O G.T.NAGESH,
AGED ABOUT 26 YEARS
RESIDING AT NO.159,
GUNJUR, BENGALURU – 560 087.

...PETITIONERS

(BY SRI H.MANJUNATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY INDIRANAGAR POLICE STATION,
REPRESENTED BY

STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.

2. SMT.ASHWINI B.,
W/O VARUN SAI
AGED ABOUT 37 YEARS
RESIDING AT NO.3314, 7TH CROSS
13TH MAIN ROAD, HAL 2ND STAGE,
INDIRANAGAR
BENGALURU – 560 008.

...RESPONDENT

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI S.RAJASHEKAR, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 528 OF BNSS PRAYING TO QUASH THE FIR (ANNEXURE-A) IN CR.NO.305/2025 (INDIRANAGAR P.S.) PENDING ON THE FILE OF X ADDL. CMM FOR THE ALLEGED OFFENCES P/U/S. 3(5), 324(4), 329(4), 79 OF BNS 2023 AGAINST THE PETITIONERS.

THESE CRIMINAL PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 02.09.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

A batch of these petitions call in question the registration of crimes against each other. In a few of the petitions, the petitioners are the accused and the respondent is the complainant, and in a few of the petitions, the respondents are the accused and the petitioner is the complainant. Since the protagonists in the *lis* are common, they are taken up together and disposed of by this common order.

2. Heard Sri. Shashank Nagendran, learned counsel for the petitioners in Criminal Petition No.10043 of 2023; Sri. H. Manjunath, learned counsel for the petitioners in Criminal Petition Nos.10247 of 2023, 8316 of 2025, 11620 of 2025 and 475 of 2026 and for respondent No.2 in Criminal Petition Nos. 10043 of 2023, 6202 of 2025 and 7699 of 2025; Sri. S. Rajashekar, learned counsel for the petitioner in Criminal Petition Nos.6202 of 2025 and 7699 of 2025 and for respondent No.2 in Criminal Petition Nos.10247 of 2023, 8316 of 2025, 11620 of 2025 and 475 of 2026

and Smt. Rashmi Patel, learned High Court Government Pleader for respondent No.1 in all these petitions.

3. In the light of the complaints being registered on different points in time, I deem it appropriate to travel through each of the petitions.

IN CRIMINAL PETITION No.10043 OF 2023

4. Respondent No.2 is the complainant, the petitioners, accused Nos.1 and 2. The gist of the complaint is that, the complainant is a tenant in respect of the garage portion of the property situated at No.3314, 7th Cross, HAL 2nd Stage, Indiranagar, Bengaluru. It is the further averment in the complaint that the petitioners have hurled certain abuses. This becomes a crime in Crime No.229 of 2023 for the offences punishable under Sections 504, 509 r/w 34 of the IPC. Registration of the complaint is what has driven the petitioners to this Court in the subject petition.

5. Learned counsel appearing for the petitioners would contend that there are several civil suits pending between the

parties and that the present crime so registered is an offshoot of those civil suits that are pending between the parties. He would submit that the ingredients of Section 504 or 509 of the IPC are not even made in the case at hand even to its semblance. Section 509 of the IPC requires specific words, sound or gesture intended to insult the modesty of a woman, whereas the complaint merely states that the complainant is a lady and that the petitioners abused her. He would further submit that the offence under Section 504 being non-cognizable, the police could not have investigated it without the order of the learned Magistrate as obtaining under Section 155(2) of the Cr.P.C., and that Section 509 has been invoked only to get over this requirement.

6. *Per contra*, learned counsel for respondent No.2 - complainant would vehemently refute the submissions contending that there are several crimes registered between the same parties. Therefore, the proceedings must be permitted to be continued. Learned counsel would submit that it is not a case where the crime should be obliterated as those are cases and counter cases.

IN CRIMINAL PETITION No.10247 OF 2023

7. The subject petition is filed challenging the registration of a crime in Crime No.231 of 2023. The said crime arises out of the same incident, which forms the fulcrum of the crime in Crime No.229 of 2023. Therefore, it is a case and a counter case. Respondent No.2 in the subject petition is the complainant, and is who is one of the petitioners in Criminal Petition No.10043 of 2023. The offences alleged in the case at hand are the ones punishable under Sections 427, 506, 341, 504 and 149 of the IPC. In the case at hand again, it is contention or the averment that there are pending civil suits pending between the parties and the crime is registered as an offshoot of those pending civil suits.

8. Learned counsel for the petitioner would take this Court through the complaint pendency of those civil suits and seeks quashment of the proceedings on the score that a case, which is purely civil in nature is sought to be projected as a crime. It is the submission of the learned counsel that none of the allegations so made against the petitioners are having any ingredients even to its semblance.

9. *Per contra*, learned counsel for respondent No.2 – complainant would seek dismissal of the petition on the score that the crime is registered and investigation must ensue.

IN CRIMINAL PETITION No.6202/2025

10. The petitioner and respondent No.2 - complainant are the same as is obtaining in afore-noted two petitions. The period of complaint is different. What is called in question in the subject petition is the crime in Crime No.73 of 2025 registered for the offences punishable under Sections 74, 75, 76 and 126(2) of the BNS.

11. Learned counsel for the petitioners contend that in the case at hand as well the offences so alleged are punishable under Sections 74, 75 and 76 of the BNS, which is again an offshoot of the pending civil suits between the parties and none of the ingredients of the offences are even made out in the case at hand.

12. Refuting the submissions, learned counsel for respondent No.2 – complainant would submit that in the case at hand, the

complainant is a lady and those offences have indeed taken place and investigation in the case at hand in the least must ensue.

IN CRIMINAL PETITION No.7699/2025

13. Respondent No.2 – complainant is an advocate, the petitioner–accused. The gist of the complaint is that the complainant is the absolute owner of the properties situated at #3314 and 3314/1, 13th Main, 7th Cross, Indiranagar, Bengaluru, of which her office is at #3314 of the above-mentioned address. It is further averred in the complaint that the petitioner assaults, injures, and sexually assaults the complainant and disturbs the peaceful possession and enjoyment of the complainant's property. This becomes a crime in Crime No. 93 of 2025 for the offences punishable under Sections 351(2) and 74 of the BNS. Registration of the complaint is what has driven the petitioner to this Court in the subject petition.

14. Learned counsel appearing for the petitioner would contend that there are several civil suits pending between the parties and that the present crime is set in motion with the objective of pressurising the petitioner to settle the civil disputes.

Thereby giving civil disputes a criminal colour. The petitioner is residing at the above-mentioned property with his aged mother and minor children and is suffering from abuse and multiple false cases by the complainant.

15. *Per contra,* learned counsel for respondent No.2 would emphasize that the specific nature of the crime as recorded in the complaint is of grave nature, involving daily sexual assault on the respondent No.2 and aggressive attacks on the respondent No.2 and her family. Learned counsel would submit that the matter must be tried before the appropriate Court.

IN CRIMINAL PETITION No. 8316 OF 2025

16. Respondent No.2 is the complainant residing with his aged mother, wife and two young children, the petitioners – accused Nos. 1, 2 and 3 are father , daughter and son respectively. The gist of the complaint is that the petitioner was seen trespassing the complainant’s property and trying to break open its lock. On being discovered, a physical tussle ensues with the petitioner being physically hurt. The petitioner No.2 shouts ‘assault’ to threaten the complainant’s . This becomes a crime in Crime No. 74 of 2025 for

the offences punishable under Sections 115(2), 126(2), 3(5) and 329(3) of the BNS. Registration of the complaint is what has driven the petitioner to this Court in the subject petition.

17. Learned counsel appearing for the petitioners would contend that the respondent No.2 has misled respondent No. 1 by relying on a 'stay order' in their favour, which is non-existent. The petitioners submit that the complainant has been filing cases against the petitioners since the year 2010, with O.S. 1390 of 2010 filed by the complainant against the petitioners for an injunction being dismissed by the concerned Court, aggrieved by which the respondent No.2 acts maliciously.

18. *Per contra,* learned counsel for respondent No.2 would emphasize that the specific nature of the crime as recorded in the complaint is of grave nature, involving an attempt to hit the respondent No.2 on the head with a wooden plank and the petitioner No.2 being an advocate, harassing and trying to force the respondent No.2 and his family out of their home. Learned counsel would submit that the matter must be tried before the appropriate Court.

IN CRIMINAL PETITION NO.11620 OF 2025

19. The petitioners are accused Nos.1 and 2, and respondent No.2 is the complainant. The gist of the complaint is that, the complainant alleges that on 30.04.2025, the petitioners, along with certain other persons, trespassed into the shared residence situated at No.3314, 7th Cross, 13th Main, HAL 2nd Stage, Indiranagar, Bengaluru, and attempted to restrain the complainant and his family members from accessing the second floor of the property. It is the further averment in the complaint that the petitioners attempted to damage the property with a hammer and that petitioner No.1 assaulted the complainant with the said hammer, causing injuries, apart from extending threats to him and his family members. This becomes a crime in Crime No.103 of 2025 for the offences punishable under Sections 118(1), 126(2) and 190 of the BNS, 2023. Registration of the crime is what has driven the petitioners to this Court in the subject petition.

20. Learned counsel appearing for the petitioners would contend that there are several civil suits pending between the parties in respect of the very same property since the year 2010 and that the present crime is an offshoot of the civil disputes pending between the parties. He would submit that the present complaint is a counterblast to the earlier complaint lodged by petitioner No.2 against respondent No.2, which was registered in Crime No.73 of 2025 on 10.04.2025. It is his submission that the alleged incident is stated to have taken place on 30.04.2025, whereas the complaint came to be lodged on 07.05.2025 and the FIR was registered on 13.05.2025, without any satisfactory explanation for the delay. He would further submit that no medical records are produced to substantiate the alleged assault and that the ingredients of the offences alleged are not made out even to their semblance. The petitioners, being lawful residents of the property, cannot be alleged to have committed trespass into the very premises in question. He would submit that the criminal proceedings are instituted only to exert pressure in the pending civil litigation and are an abuse of the process of law.

21. *Per contra*, learned counsel appearing for respondent No.2 complainant would refute the submissions and contend that the complainant has specifically narrated the incident of trespass, assault and criminal intimidation in the complaint. He would submit that the delay in lodging the complaint has been explained on account of the threats allegedly extended by the petitioners and the circumstances prevailing in the family. It is his submission that the allegations disclose commission of cognizable offences and, therefore, investigation in the case at hand must be permitted to ensue.

IN CRIMINAL PETITION NO. 475 OF 2026

22. The petitioners are accused Nos.1 to 5, and respondent No.2 is the complainant. The gist of the complaint is that, on 14.12.2025, the petitioners allegedly went near the complainant's house and broke the main entrance using a hammer, apart from abusing and harassing the complainant and her family members. It is the further averment in the complaint that the incident occurred while the complainant was breastfeeding her child and that the petitioners were recording her. This becomes a crime in Crime

No.305 of 2025 for the offences punishable under Sections 3(5), 324(4), 329(4) and 79 of the BNS, 2023. Registration of the crime is what has driven the petitioners to this Court in the subject petition.

23. Learned counsel appearing for the petitioners would contend that there are longstanding civil disputes between the parties in respect of the very same property and that the present crime is an offshoot of those disputes. He would submit that petitioner Nos.3 and 4 were solemnizing their marriage on the alleged date of the incident and, therefore, their presence at the scene of occurrence was impossible. He would further submit that the earlier suit instituted by the complainant's husband in O.S. No.1390 of 2010 has been dismissed and that the petitioners have instituted O.S. No.5151 of 2024, in which an order of status quo is operating. It is his submission that the complaint is maliciously instituted to wreak vengeance against the petitioners and that the ingredients of the offences alleged are not made out even to their semblance.

24. *Per contra*, learned counsel appearing for respondent No.2 complainant would seek dismissal of the petition contending that the petitioners have committed the alleged acts of trespass, damage to property and harassment and that the criminal proceedings have been rightly instituted against them.

25. Identical submissions are made in all the petitions, with respect to crimes alleged to have been registered against each other, that is, a case or a counter case is challenged in these petitions.

26. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

27. In the light of the submissions made by the respective learned counsel, and before embarking upon the exercise of noticing the complaint, I deem it appropriate to go back to the history of the proceedings between the parties. It is not in dispute that a suit in O.S.No.1390/2010 is pending between the parties, seeking a declaration that the sale deed dated 22.01.2010,

executed by defendant No.2 in favour of defendant Nos.3 and 4, is not binding on the plaintiff.

28. The subject crimes arise out of cases and counter cases, as the petitioners/accused in some of these petitions are the complainants in the companion petitions. Insofar as the suit schedule properties are concerned, the suit comes to be dismissed in terms of the judgment dated 17.07.2023. It is after the dismissal of the suit that all these proceedings have sprung up between the parties. I deem it appropriate to notice each of the complaints in each of the cases.

28.1. In Criminal Petition No.10043 of 2023, the complaint reads as follows:

"DATE: 14/09/2023

TO,

THE STATION HOUSE POLICE OFFICE
648/L, OLD MADRAS RD, BINNAMANGALA,
HOYSALA NAGAR, INDIRANAGAR,
BENGALURU, KARNATAKA – 560 038

Respected Sir,

Sub: Complaint against Varun Sai Sridhar (Software Engineer working in Oracle) - M. No. 96866 09908 and his wife Smt Ashwini Varun Sai

01. I am a tenant in respect of the garage portion of the property bearing No. 3314, situated at 7th Cross, 13th Main Road, H. A. L. 2nd stage, Indira Nagar, Bengaluru 560 008. I have herewith annexed the copy of the rental agreement along with this complaint.

02. In the garage premises I am having my office along with my colleagues to assist the Economically weaker Section and depressed people in the society especially in and around of my office premises. Adjoining to my office premises of Varun Sai, Smt Ashwini Varun said his wife and Smt C. Jayanthi his mother are residing in a portion of the building/premises.

03. The access to my office premises and to the residence of Varun sai and C. Jayanthi are situated, at different places / locations. I am herewith annexed the photos of the residence as well as my office premises, which are self-explanatory in respect of separate access / entry point to the respective premises. and Smt C. Jayanthi his mother are residing in a portion of the building/premises.

04. The access to my office premises and to the residence of Varun sai and C. Jayanthi are situated at different places / locations. I am herewith annexed the photos of the residence as well as my office premises, which are self-explanatory in respect of separate access/entry point to the respective premises.

05. In order to park the car Varun Sai and his wife, have made a provision in front of the building a canopy for parking their car. So as to facilitate not to create any obstruction for easy access to the office premises portion along with the remaining portion. I have herewith annexed the photograph, which shows the parking of a car at canopy pertains to Varun Sai.

06. Since, Varun Sai and his mother have filed false and frivolous suits in respect of a portion of the premises against the Landlords of my premises. In order to torture my landlords as well as me, he is creating obstruction for our free movement / access to my office premises and creating nuisance in front of the gate of my office premises. Even though he has made an

exclusive and separate facility/provision for car parking in front of the building as stated above.

07. Recently, when I have opened my office to collect the files and papers he had parked his two-wheeler vehicle near the door of my office and also parked his car in front of my office premises with an intention to block the entry / access to the office and which also leads to non availability of the access / entry to our clients also. He is coming in the way of ingress and egress to my office. This is a routine job / habit for a couple of days.

08. Even though he was summoned to the police station and has been warned not to repeat or do such things. But, still he is continuing and repeating the same act and activities every day. On 4th September 2023 around 1 P. M., when we return from the court to collect some urgent files to attend the court at 2.45 P. M. Varun Sai had parked his vehicles and his two-wheeler in front my office when I and my colleagues have informed and requested him to move / take away his vehicle and allow us to access/entry to my office. He pulled my hand and insulted me in front of public.

09. Varun Sai has started abusing us at that time and went to an extent of making personal allegations against me deliberately, forgetting for a moment that he is speaking to a lady, who is an Advocate and law-abiding citizen. When, we try to convey him the urgency of the situation, his wife had also joined him. She had also started shouting at me and my colleagues including my landlord/my father in a filthy language.

10. I have told him that if he continues the same act and activities again and again repeatedly, inevitably I have to call Hoysala Police. Then, he started laughing at me and said that he will manage the Hoysala police by throwing the money i.e., Rs. 2,000/- on their face and he will manage them as well as the situation.

11. When, I have brought to his notice that he has no business to talk about the public authorities in this manner/fashion. He went to an extent by saying that even he will buy any Advocate or public authority/officer to achieve his illegal ends. I am herewith annexed the photographs, which are

self-explanatory about the events which took place on 4th September 2023.

12. During the course of my conversation with him in a dignified and descent manner as stated above, he started to interfere in my office by taking away the plug that leads to power cut to my office. He started to insulting me and my colleagues in a filthy language with an intention to provoke us. He is disturbing the natural functioning of my office and he is repeating this kind of acts and activities again and again repeatedly.

13. My clients are afraid to come to my office for the aforesaid reasons. He is coming in the way of discharging the professional duties and responsibilities. Therefore, in view of the aforesaid facts and circumstances I am giving this complaint. Please provide me protection from his illegal interference to my office premises, to perform my duties being the constitutional profession/ work and make an arrangement to remove the blockade / hurdles to my office premises.

Hence, I request you to intervene in the above matter and please provide me with police protection and take necessary legal action against them, to avoid the law and order situation and endanger to my life and lives of our clients and my colleagues."

28.2. In Criminal Petition No.10247 of 2023, the complaint reads as follows:

Date: 17 Sep 23
Place: Bangalore

From,

Ashwini. B
w/o Varun Sai, aged 36 years,

#3314, 7th Cross, 13th Main,
HAL 2nd Stage, Indiranagar,
Bangalore-560008
Mob: 9686609908.

To,

Inspector,
Indiranagar Police Station,
Bangalore-560008.

Subject:

Complaint against R. Muniraj (Real Estate Agent), Nalini Muniraj, their daughter Yamini Muniraj (Advocate), their son Darshan Muniraj and their 4 unknown rowdy elements.

I got married to Varun Sai and living in this above mentioned premises since 2017 along with my husband, mother in law aged 63 years and son 5 years. The property where we are residing is the subject matter of litigation in OS 3779/2010 and OS 3013/2019 which is filed against R.Muniraj and Nalini Muniraj. Despite the matter being pending in court since 2010, Muniraj and Nalini Muniraj have shown scant respect for the judiciary proceedings and are trying to usurp the property by illegal means including threats, damage to the property etc.

On 22nd August 2023 they have damaged the CCTV camera installed by us in our property when I was alone at home as my husband and Mother in law were out of station that day and to this effect my husband has given a complaint in the office of Assistant Commissioner of Police (ACP), Ulsoor Subdivison, Bengaluru. In fact when they were damaging the CCTV on 22nd August 2023 itself, I have questioned them regarding the same and they have threatened me by saying that they can do whatever they want and they know how to

take the whole property belonging to us including physical possession with the help of their rowdy associates who could throw me out of the house and also dispose of me and my family members. Being a Pregnant lady alone at home, immediately at that time I have called Hoysala Police fearing for my life and safety and that day the incident was temporarily resolved by Hoysala.

On 26th August 2023 one more incident transpired over parking dispute and Yamini Muniraj threatened to remove our vehicle within our own parking premises inside our home. On to that effect, we have lodged a complaint in the office of ACP Ulsoor Subdivision. Despite such action on 26th August 2023 they have parked the vehicle right outside the gate and prevented us from taking our vehicle out of the compound despite my request that I have to go for some Urgent Medical emergency regarding my pregnancy issues.

Subsequently on 04 Sep-2023 at around 2PM, Nalini Muniraj, Yamini Muniraj, Darshan Muniraj along with 4 of their henchmen, brought one Metal Welding person and started to remove the Metal door frame at the entry of our premises and damage the Safety Grill Partition we have at Verandah of our home. They also started to damage wooden Storage room we have at the landing of Terrace portion. At that time, me and my husband came out and questioned what they were doing and at that time Darshan Muniraj, Yamini Muniraj and his henchmen tried to restrain us and started shouting and abusing in filthy language saying "Boli Magane" "Sule Magane" in kannada and other abuses. Specifically Darshan Muniraj abused me questioning my pregnancy and humiliating that I am a prostitute and I won't be able to identify the father of the unborn child. And the people who were accompanying her were also making lewd comments.

When my husband told them to stop talking in that language one of the rowdy elements has caught my husband collar and threatened saying they will kill both of us. At that time I have

taken out my phone and started recording, because of which they have left my husband and stopped abusing in filthy language. Even that day we were forced to call Hoysala for our protection and again because of Hoysala intervention, there was a temporary solution. We were very scared and that's why we could not say anything at that time. Because of this recurrent humiliation and threat by them I got high BP and fainted consequent to this.

However Immediately after the Hoysala Police left Darshan Muniraj has threatened saying that if we give Police compliant or take any action he knows how to dispose me and my family members. Even on earlier occasions, Yamini Muniraj has threatened to file false cases against me and my family by abusing her profession as an Advocate. She is repeatedly threatening and abusing to affect mine and my husbands professional work by making false and baseless allegations. Out of fear we have not given the complaint till today and I now request your goodself to take action against the above named persons in accordance with law and against us in securing justice.

Thanking you,

Yours sincerely,
Sd/-
(Ashwini.B)"

28.3. In Criminal Petition No.6202 of 2025, the complaint reads as follows:

"From:

Advocate Yamini muniraju,
R/at 10/3 bhairaveshwara nilaya,
1 cross. 13th main,
HAL 2nd Stage, Indira Nagar,
Bengaluru -560008

7676126760; 9880020460.

To,

The station house officer
of Indira Nagar, Bengaluru.

Sub: Attacked by Varun Sai.

Respected sir,

I Yamini muniraju D/O R muniraju I am advocate by profession I am running a law office in 3314. 7th cross 13th main, HAL 2nd Stage, Indiranagar Bengaluru. As a tenant and paying the rent to the landlord who is Mr R muniraju of and 3314/1 & 3314 owner of both the property.

They are civil suit pending in the court and we have patiently weighted for justice to be delivered by where as Varun Sai has been acting an civilized manner for years.

In the year 2024 Varun had file a file if I are crime number 110/2024 against our plumber who were working for us and was asked to fix the AC leak in the office and we had lost Brook open the door which led to Fir crime number 110/2024 after a Taro enquiry by the IO on record documents where gather through section 91 of CrPC and final be report was filed.

Varun Sai from day one of me opening the office has only harassed me as I am a woman by practicing black magic rituals which was bought to the notice of this station and NCR was file on 16.01.2025 and 07.03.2025 along with the necessary documents.

On 10.04.2025 around the 03:08 p.m. Varun Varun Sai restore to Physical assault by pulling my clothes pushing me when me and my father R Muniraju went to check the terrace

door is we had locked it. Varun Sai started acting in human like by touching blocking the way to our terrace door pushing me and my father which has led to serious injury.

I am in constant fear of my and my family's life cause of Varun sai action towards as I request the authority to take necessary action as I am outrage of my modesty as a woman who lives in fear all the time.

ದಿನಾಂಕ 10.04.2025 ರಂದು 17:15 ಗಂಟೆಗೆ

ಪಿರ್ಯಾದಿದಾರರು ಠಾಣೆಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ ದೂರನ್ನು

ಪಡೆದು ಠಾಣಾ ನಂಬರ್ 73/2025 U/S 74,75,

126(2), 76 Of B.N.S ಅಡಿಯಲ್ಲಿ ಪ್ರಕರಣ ದಾಖಲು ಮಾಡಿರುತ್ತೇನೆ."

28.4. In Criminal Petition No.7699 of 2025, the complaint reads as follows:

"From,

Yamini Muniraj,
#10/3, 13 Main,
1st Cross, Indiranagar,
Bengaluru 560 008.

To.

Station House Officer,
Indiranagar, Bengaluru 560 008.

Respected Sir/Madam,

Subject: Complaint by assault by Varun Sai Sridhar.

I advocate, Yamini Muniraj, D/o. R. Muniraj, I am having law office at 3314, 13th main, 7th Cross, Indiranagar, Bengaluru-560008 (VDJ). My parents are absolute title owner of #3314 and 3314/1 in the above mentioned address, and Varun Sai Sridhar has been continuously assaulting me and my family members, my Associates, and disturbing with the peaceful position and enjoyment with our portion of property.

On 9th April 2025, Varun Sai Sridhar filed an O.S.No. 2705/2025 against me, and my family members tried to take party injunction order against us based on fabricated and false documents. On 10th April 2025, Hon'ble Court granted Status-quo order and Varun Sai Sridhar breached the status quo and forcefully tried to take control of terrace of the property bearing number 3314/1. And tried to push my father and attacked me with criminal force, causing grievous hurt, touched my private part and tried to disturb me, and for which an FIR was filed under an Crime No.73/2025 as per MLC respectively. These Criminal action is modus operandi of Varun Sai Sridhar to through me and my family out of our own property. He has also misrepresented the facts before the police station and by stating that "there is a stay granted by the court on the property of his favour". Over the year from 2010, he has been continuously creating law and order situation by harassing me and my family member and ever since I have been started my office, I light of present event he has resorted to black magic and physical violence against me and my family along with filing multiple false complaints against me and my family members.

On 28th April 2024, the Hon'ble Court rejected the application for injunction filed by the Varun Sai Shridhar in O.S number 2705/2025, Varun Sai Sridhar got a stay on the Crime No.73/2025 on 28.04.2025 and on 30.05.2025, when me and my mother tried to open the door. Varun Sir Sridhar aggressively rush towards me and assaulted me to which an

injury was sustained by me on my right hand and on MLC was done on 30th April 2025 at around 4 PM. In the light of above. I request police protection against me and my family members against Varun Sai Sridhar, and his family as this is the second assault on me and my family member within a period of 30 days and there is a consistent threat to me and my family, notably by his action, he is willing to go to any extend criminal to achieve his motive. Hence, it is requested that police to take appropriate legal action and take Varun Sai Sridhar into custody and protect my family as there is sexual assault daily continued on me in order to pressurising my parents to give up and to take over the property by hook or crook now resorting to attack me, pushing himself on me, mentally physically, threatening me and my family.

Faithfully
Thanking You
Yamini Muniraj"

28.5. In Criminal Petition No.8316 of 2025, the complaint reads as follows:

"Date: 10th APRIL 2025
Place: Bengaluru
Time: 4:00PM

To,

Inspector indiranagar Police Station Bengaluru

From,

Varun Sai S,
#3314, 7th Cross, 13th Main
HAL 2nd Stage, Indiranagar,
Bangalore – 560008,

Mob: 9686609408.

Respected Sir,

Sub.: Complaint against R. Muniraj, his daughter Yamini Muniraj & his son Darshan Muniraj residing at AO 10/3, Byraveshwara Nilaya, 1st Cross HAL 2nd stage, Indiranagar Bangalore -560008 for

1. Trying to hit on the head, threatening & harassing myself

2. Trespassing to my property & drying to break the lock of the Second Floor

3. Causing Forceful Restraint by manhandling to enter my premises Second Floor causing grievous wounds.

On this day around 5 PM when I went upstairs to my second floor, R. Muniraj & Yamini Muniraj were seen Trespassing & trying to access my property in Second Floor & Broke the lock of the Second Floor.

Further Yamini Muniraj caused Forceful Restraint by preventing me to access the Second Floor, by manhandling and pushing me to the wooden walls of the room with sharp Nails as it was broken by them and hence causing severe Injury with wounds and torn T-shirt.

Thereafter, Muniraj, father of Yamini Muniraj tried to hit me on the head with wooden planks in an attempt to threaten & harress me while Yamini Muniraj kept on saying "ASSAULT.... ASSAULT..." repeatedly threatening me.

In spite of their continuous harassment & threats I was standing next to the Door to stop them from damaging my property waiting for Hoysala police to arrive at the spot.

But before Hoysala police with NO HOYSALA 30 (Vehicle no KA02G1708) arrived at the spot, they left the premises along with their son Darshan Muniraj who was waiting outside in ground floor to attack me.

Myself & my family is having Life Threat from R. Muniraj & his family members, especially his daughter Yamini Muniraj who in the pretext of being a lawyer trying to harass me and forcefully trying to dispose me & my family from the premises in spite of stay orders granted from Honorable City Civil Court of Bangalore for the scheduled premises.

Hence I request you to register this complaint & take proper action against R. Muniraj, Yamini Muniraj & their family members as per Law and protect myself & my family by providing security as we are having Lift Threat from them.

I am staying at my premises with aged mother, my wife and two young children who are very much afraid because of the harassment from them. Hence I request you to take proper action as per Law and protect myself - my family.

Thanking you

Yours Sincerely
(Varun Sai S)”

28.6. In Criminal Petition No.11620 of 2025, the complaint reads as follows:

Date: 07th May2025
Place: Bengaluru

To,

The Inspector,
Indiranagar Police Station,
Bengaluru.

From:

Varun Sai S,
Age: 41 years,
#331/4, 7th Cross, 13th Main,
HAL 2nd Stage, Indiranagar, Bengaluru-560008
Mobile: 9686609908
Email: varunssai@gmail.com

Respected Sir,

Subject: Assault using Hammer & Forceful Restraint by Lawyer Yamini Muniraj, Her Mother Nalini Muniraj, an unknown Male Associate Lawyer of Yamini Muniraj and 3othed unknown Men Claiming to be residing in first floor of premises #3314, 7th Cross, 13TH MAIN, HAL 2nd Stage Bengalure-560008

I, Varun Sai, reside with my family, my wife with two kids and aged mother at the above mentioned premises, which was originally owned by my Grandfather Late Col K.S Ramaswamy.

On this day, i.e 30th April 2025, around 1:15 PM, When I went upstairs to the second floor of the premises., Yamini Muniraj, her mother Nalini Muniraj, and their four men Associates as mentioned about tried to restrain me and my wife from going to the second floor and they tried to break the lock of the second floor portion and damage the adjoining walls forcefully using a metal hammer By taking undue advantage of an interim court order in a pending civil case which does not permit them to engage in unlawful activities in our residence by damaging the property. Also Yamini Muniraj and her associates does not have any right title interest in the entire property.

When I prevented them from breaking the lock and damaging the walls Yamini Muniraj forcibly pushed the hammer to the back of my body and rubbed my left shoulder with hammer resulting in a grievous injury and deep wounds on my left shoulder with severe pain. Also they caused severe mental stress by threatening me verbally and assaulting me.

After continuous effort and defense to stop them from breaking the lock or walls, they left the 2nd floor but again they started to harass my wife and mother in the ground floor by preventing them to come upstairs and threatening our family with dire consequences as well as life threat Because of this my kids also got afraid.

Because of the assault and mental torture from Yamini Muniraj and her aids, I felt Unconscious later after the incident and then fell Severely sick for a number of days. Also because of life threat from Yamini Muniraj and her associates, my family also afraid to go to police station and lodge a complaint on this before my wife being soft spoken and weak. And even till today we are getting life threat and forceful restraint from Yamini Muniraj and her men aids residing in first floor.

Hence we could not lodge the complaint before and doing this same now requesting for help from police in order to protect my family and our residence.

I have already lodged a number of complaints against Yamini Muniraj and their men residing in the first floor who repeatedly engage in unlawful and uncivilized acts and a case of civil disobedience has been registered by Honorable civil court of Bengalure against them. But even after this they have no respect for law and continuously keep troubling myself and my family to oust us from our residence.

Since my wife also not keeping well and having mental torture and stress, I am giving this complaint on her behalf too. I

request you to take action as per law and prevent Yamini Muniraj and her associates in disturbing our peaceful stay at our residence and creating law and order issues. Also give protection to myself my and my family from life threat posed by Yamini Muniraj and her associates.

Thanking you,

Yours sincerely,
(Signed)
Varun Sai. S”

28.7. In Criminal Petition No.475 of 2026, the complaint reads as follows:

DATE: 15th Dec 2025
Place: Bengaluru

To,

INSPECTOR,
INDIRANAGAR POLICE STATION
INDIRANAGAR
BENGALURU.

From:

Ashwini B,
W/o. Varun Sai S, 37 Y,
#3314, 7th Cross, 13th MAIN,
HAL 2ND STAGE, INDIRANAGAR,
BENGALURU-560008,
Mob. 9686609908.

Respected Sir,

Subject: (1) Breaking of our Main entrance door of our Residential premises.

(2) Blocking of the main entrance gate

(3) Continuous disturbance/ harassment from R. Muniraj, his wife Nalini Muniraj, His daughter Yamini Muniraj, son-in-law Ronith Pemmaiah, their associate by name Kusuma and their two men unknown Associates.

On this day around 10.30 AM, R. Muniraj and Nalini Muniraj, Kusuma along with their two men aids have brake open the door of our main residential entrance using hammer. Even though a stay order is present in Court not to interfere with our peaceful possession and enjoyment of our property, they are continuously causing disturbance and harassment to myself and our family.

Immediately we have called Hoysala to the spot and R. Muniraj, Nalini Muniraj and their women associate by name Kusuma, have started harassing us in front of the police saying they don't care the stay order and they can do whatever they want.

They blocked myself and my kids from going upstairs to our second floor and then started abusing us.

Because of their loud breaking noise and continuous harassment from them my one and a half year old kid got extremely scared with constant crying for prolonged hours and mental trauma.

Also R. Muniraj, Nalini Muniraj, and their daughter Yamini Muniraj, son-in-law Ronith Pemmaiah and their associate Kusuma are blocking the main entrance gate of our residential premises using their personal vehicles continuously, blocking us to takeout our vehicles even though a stay order is present

in court for the same not to park the vehicles in front of main gate.

They are continuously trying to peek in our residential premises videotaping myself and my family members disturbing our peaceful stay and invading my privacy especially when I am breast feeding my child. Because of which I am scared to peacefully live in my premises.

I would like you to take action as per law on the mentioned people of subject link and give protection to myself and my family members.

Thanking you,

Yours sincerely,

Sd/-
(ASHWINI B)

ದಿನಾಂಕ: 15/1/2025 ರಂದು 17:30 ಗಂಟೆಗೆ ದೂರನ್ನು ಪಡೆದು

ಠಾಣಾ ಮೊ.ಸಂಖ್ಯೆ:305/2025 ಕಲಂ 329 (4) 324 (4) 79,

R/w.3(5) of BNS Act-2023 ರೀತ್ಯಾ ಪ್ರಕರಣ ದಾಖಲಿಸಿರುತ್ತೇನೆ."

The narration in the complaints are itself is indicative of the fact that several complaints were filed and there are pending either before the Civil Court or in several other proceedings between the parties. A Co-ordinate Bench of this Court in Criminal Petition No.1319 of 2019, which had called in question the proceedings in C.C.No.52534 of 2016 between the same parties, had allowed the petition on the score that none of the offences were clearly made in

the case therein, in terms of the order dated 15.07.2019. The order reads as follows:

> "5. I have carefully considered the rival contentions and perused the records.
>
> 6. It is alleged in the complaint that the petitioner has broken the commode and a wash basin. Section 341 of IPC reads as follows:
>
> > "341. Punishment for wrongful restraint.—Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both."
>
> 7. The complaint does not disclose that the complainant was restrained by the petitioner. Therefore, no ingredients of Section 341 of IPC are made out in the complaint. The offences under Sections 427, 504 and 506 of IPC are non-cognizable. Therefore, in the absence of ingredients of Section 341 of IPC, police could not have registered the FIR. Even after investigation, no material is placed by the prosecution to show that there existed any circumstance suggesting commission of offence under Section 341 of IPC. In the circumstances, the proceedings initiated against the petitioner amounts to abuse of process of law.
>
> 8. Resultantly, this petition merits consideration and it is accordingly allowed.
>
> All proceedings in C.C.No.52345/2016 pending on the file of X Additional Chief Metropolitan Magistrate, Bengaluru, are hereby quashed."

Therefore, the proceedings or the registration of the respective crimes between the parties has taken place only as an offshoot of the pending civil suits that are repeatedly filed against each other. The saga of registration of the civil suits against each other began in the year 2010 and even in the year 2025, a civil suit is instituted in O.S.No.2705/2025. During the pendency of several civil suits, all these allegations have sprung against each other.

29. The common stream of allegations arise against each other is for the offences punishable under Section 427, 341, 504, 506, 509 of the IPC and the ones that are now under the provisions of the BNS for the offences punishable under Sections 74, 75, and 76 of the BNS.

29.1. Section 427 of the IPC reads as follows:

> "**427. Mischief causing damage to the amount of fifty rupees**.—Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Section 427 of the IPC deals with mischief causing loss or damage of fifty rupees or upwards, the essential ingredient being a wrongful intent**.** As the crimes arise out of the civil suits pending

between the same parties, it can hardly be said that mischief with criminal intent is caused by either of the parties.

29.2. The other offence alleged against the petitioner is for the offence under Section 341 of the IPC. For an offence to be punishable under Section 341 of the IPC, necessary ingredients that are to be present as obtaining under Section 339 of the IPC, which reads as follows:

> **"339. Wrongful restraint**.—Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.
>
> *Exception*.—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section."

29.2.1. The interpretation of Section 341 of the IPC need not detain this Court for long or delve deep into the matter. The Apex Court in the case of **KEKI HORMUSJI GHARDA v. MEHERVAN RUSTOM IRANI**[1] elucidates on what would be the ingredients for the offence of wrongful restraint and holds as follows:

---

[1] **(2009) 6 SCC 475**

"…. …. ….

11. It is in the aforementioned backdrop of events, the statement made by the first respondent that Accused 1 to 5 were managing the affairs of the Company and had instigated Accused 6 to construct the road must be viewed. It is one thing to say that the Company had asked Accused 6 to make construction but only because Accused 1 to 5 were its Directors, the same, in our opinion, would not be sufficient to fasten any criminal liability on them for commission of an offence under Section 341 IPC or otherwise.

12. "Wrongful restraint" has been defined under Section 339 IPC in the following words:

> "339. *Wrongful restraint*.—Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.
>
> *Exception*.—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section."

The essential ingredients of the aforementioned provision are:

(*1*) Accused obstructs voluntarily;
(*2*) The victim is prevented from proceeding in any direction;
(*3*) Such victim has every right to proceed in that direction.

13. Section 341 IPC provides that:

> "341. *Punishment for wrongful restraint*.—Whoever wrongfully restrains any person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both."

14. The word "voluntary" is significant. It connotes that obstruction should be direct. The obstructions must be a restriction on the normal movement of a person. It should be a physical one. They should have common intention to cause obstruction.

15. The appellants herein were not at the site. They did not carry out any work. No overt act or physical obstruction on their part has been attributed. Only because legal proceedings were pending between the Company and Bombay Municipal Corporation and/or with the first respondent herein, the same would not by itself mean that the appellants were in any way concerned with commission of a criminal offence of causing obstructions to the first respondent and his parents.

16. We have noticed hereinbefore that despite of the said road being under construction, the first respondent went to the police station thrice. He, therefore, was not obstructed from going to the police station. In fact, a firm action had been taken by the authorities. The workers were asked not to do any work on the road. We, therefore, fail to appreciate that how, in a situation of this nature, the Managing Director and the Directors of the Company as also the Architect can be said to have committed an offence under Section 341 IPC.

…. …. ….

19. Even as regards the availability of the remedy of filing an application for discharge, the same would not mean that although the allegations made in the complaint petition even if given face value and taken to be correct in its entirety, do not disclose an offence or it is found to be otherwise an abuse of the process of the court, still the High Court would refuse to exercise its discretionary jurisdiction under Section 482 of the Code of Criminal Procedure.

> **20.** Indisputably, there might have been some delay on the part of the appellants in approaching the High Court but while adjusting equity the High Court was required to take into consideration the fact that in a case of this nature the appellants would face harassment although the allegations contained in the complaint petition even assuming to be correct were trivial in nature. The High Court furthermore has failed to take into consideration the fact that in the first information report no allegation in regard to acts of common intention or common object on the part of the appellants was made out. The appellants were not named as accused therein. It is, therefore, really difficult to appreciate as to on what basis the complaint petition was filed.
>
> **21.** For the reasons aforementioned, the impugned judgment and order of the High Court is set aside. The appeal is allowed. The order summoning the appellant is quashed."

The Apex Court in the afore-quoted judgment holds that, for an offence punishable under Section 341 of the IPC, the essential ingredients of wrongful restraint under Section 339 of the IPC, which have to be necessarily met, are that the accused must voluntarily obstruct the victim; the victim must be prevented from proceeding in any direction; and such victim must have a right to proceed in that direction. All of these are absent in the case at hand.

29.3. The other offences involved are the ones punishable under Sections 504, 506 and 509 of the IPC. For an offence to become punishable under Sections 504 and 506 of the IPC, the

ingredients as obtaining in Section 503 of the IPC are required to be met. The Apex Court in the case of **MOHD. WAJID v. STATE OF UTTAR PRADESH**,[2] has held as follows:

"…. …. ….

> **28. An offence under Section 503 has the following essentials:**
>
> **(1) Threatening a person with any injury;**
>
> **(*i*) to his person, reputation or property; or**
> **(*ii*) to the person, or reputation of any one in whom that person is interested.**
>
> **(2) The threat must be with intent;**
> **(*i*) to cause alarm to that person; or**
> **(*ii*) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or**
> **(*iii*) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.**
>
> **29. Section 504 IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally**

[2] **2023 SCC OnLine SC 951**

and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504 IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504 IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504 IPC if he merely uses abusive language against the complainant. In *King Emperor* v. *Chunnibhai Dayabhai* [*King Emperor* v. *Chunnibhai Dayabhai*, (1902) 4 Bom LR 78] , a Division Bench of the Bombay High Court pointed out that:

> ***"To constitute an offence under Section 504 IPC it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public***

> ***peace can be broken by angry words as well as deeds*."**
>
> (emphasis supplied)
>
> **32. A bare perusal of Section 506 IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.**
>
> **33.** In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 IPC may probably could be said to have been disclosed but not under Section 504 IPC. The allegations with respect to the offence punishable under Section 504 IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR.
>
> **34. One of the essential elements, as discussed above, constituting an offence under Section 504 IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present.**"

29.4. The Apex Court in the case of **MADHUSHREE DATTA v. STATE OF KARNATAKA**[3], while interpreting what would become the offence punishable under Sections 504, 506 and 509 of the IPC, has held as follows:

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[3] **(2025) 3 SCC 612**

"…. …. ….

Sections 504 and 509 IPC

22. The next question for determination is, whether the mere assertion of "filthy language" allegedly used by the appellants in scolding the complainant, is sufficient to establish commission of offences under Sections 504 and 509IPC.

23. In the above context, it would be apt to consider the provisions contained in Section 504IPC.

24. A perusal of Section 504IPC reveals that a mere act of insulting someone does not fulfil its requirements; the insult must be of such a nature that it provokes the person insulted to breach the public peace or engage in criminal conduct. Therefore, to establish the ingredients of Section 504IPC, it must be demonstrated, based on the available material, that there was intentional insult with the intent or knowledge that such insult would provoke either disturbance of the public peace or the commission of any other offence.

25. We may, at this juncture, profitably refer to the decision of this Court in *Fiona Shrikhande* v. *State of Maharashtra* [*Fiona Shrikhande* v. *State of Maharashtra*, (2013) 14 SCC 44 : (2014) 1 SCC (Cri) 715 : AIR 2014 SC 957] , wherein Section 504IPC came up for interpretation and it was held as under : (SCC pp. 49-50, paras 13-14)

> "*13.* ***Section 504IPC comprises of the following ingredients viz. : (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence*****. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence. The person who intentionally insults intending or knowing it to be likely that it will give provocation to any other person and such provocation will cause to break the public peace or**

> **to commit any other offence, in such a situation, the ingredients of Section 504 are satisfied. *One of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504IPC*.**
>
> *14*. We may also indicate that it is not the law that the actual words or language should figure in the complaint. One has to read the complaint as a whole and, by doing so, if the Magistrate comes to a conclusion, prima facie, that there has been an intentional insult so as to provoke any person to break the public peace or to commit any other offence, that is sufficient to bring the complaint within the ambit of Section 504IPC. It is not the law that a complainant should verbatim reproduce each word or words capable of provoking the other person to commit any other offence. *The background facts, circumstances, the occasion, the manner in which they are used, the person or persons to whom they are addressed, the time, the conduct of the person who has indulged in such actions are all relevant factors to be borne in mind while examining a complaint lodged for initiating proceedings under Section 504IPC*."
>
> (emphasis supplied)

26. In the instant case, the charge-sheet states that the appellants used "filthy language" while scolding the complainant; however, no such allegation is made against the appellants in the complaint. Furthermore, it is nowhere alleged that this act of using filthy language and insulting the complainant by the appellants, has provoked the complainant to commit breach of public peace or to commit any other offence. Therefore, from the materials on record, the ingredients of the offence under Section 504IPC, as explained in the abovesaid decision, are not satisfied.

27. For ascertaining whether, prima facie, the provision of Section 509IPC was attracted, it is essential to first understand the meaning of the term "modesty", to determine whether modesty has been insulted. While

modesty is not explicitly defined in IPC, this Court has addressed the essence of a woman's modesty in the decision in *Ramkripal* v. *State of M.P.* [*Ramkripal* v. *State of M.P.*, (2007) 11 SCC 265 : (2008) 1 SCC (Cri) 674] Excerpts from the decision read as under : (SCC pp. 266-67, para 7)

> **"*7*. … *'12*. What constitutes an outrage to female modesty is nowhere defined in IPC. The essence of a woman's modesty is her sex. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive. *Modesty in this Section is an attribute associated with female human beings as a class. It is a virtue which attaches to a female owing to her sex*.' "**
>
> (emphasis supplied)

28. Further, this Court while discussing the test for outraging the modesty of a woman under Section 509IPC in *Rupan Deol Bajaj* v. *Kanwar Pal Singh Gill* [*Rupan Deol Bajaj* v. *Kanwar Pal Singh Gill*, (1995) 6 SCC 194 : 1995 SCC (Cri) 1059] , observed as under : (SCC p. 206, para 15)

> **"*15*. In *State of Punjab* v. *Major Singh* [*State of Punjab* v. *Major Singh*, 1966 SCC OnLine SC 51 : AIR 1967 SC 63] a question arose whether a female child of seven-and-a-half months could be said to be possessed of "modesty" which could be outraged. In answering the above question Mudholkar, J., who along with Bachawat, J. spoke for the majority, held that when any act done to or in the presence of a woman is clearly suggestive of sex according to the common notions of mankind that must fall within the mischief of Section 354IPC. Needless to say, the "common notions of mankind" referred to by the learned Judge have to be gauged by contemporary societal standards. The other learned Judge (Bachawat, J.) observed that the essence of a woman's modesty is her sex and from her very birth she possesses the modesty which is the attribute of her sex. From the above dictionary meaning of "modesty" and**

> **the interpretation given to that word by this Court in *Major Singh case* [*State of Punjab* v. *Major Singh*, 1966 SCC OnLine SC 51 : AIR 1967 SC 63] it appears to us that *the ultimate test for ascertaining whether modesty has been outraged, is the action of the offender such as could be perceived as one which is capable of shocking the sense of decency of a woman*."**
>
> **(emphasis supplied)**

29. The conclusion that emerges from the above discussion is that it will be essential for this Court to carefully assess the evidence presented, in order to determine whether there is sufficient material to establish the intention and knowledge on the part of the appellants, to insult the modesty of the complainant or, to put it pithily, whether any act was intended to shock the sense of decency of the complainant being a woman.

30. The term "filthy language", when examined in isolation, and without any contextual framework or accompanying words, indicating an intent to insult the complainant's modesty, does not fall within the purview of Section 509IPC. Had there been references to specific words used, contextual details, or any gestures—whether preceding, succeeding, or accompanying these words—that could demonstrate a criminal intent to insult the modesty, and it might have assisted the prosecution in establishing the case against the appellants.

31. In considering the term "filthy language" objectively, in the overall conspectus of the case, we are of the view that the appellants' actions do not demonstrate the requisite intent or knowledge that would reasonably lead to the conclusion that their conduct could provoke such a severe emotional response as to constitute an insult to a woman's modesty.

…. …. ….

Section 506 IPC

35. This brings us to the offence under Section 506IPC, which the High Court has found to be prima facie disclosed against the appellants. Section 506IPC prescribes the punishment for the offence of criminal intimidation, while Section 503 defines the offence of criminal intimidation.

36. This Court had the occasion to examine the ingredients of Sections 503 and 506IPC in *Manik Taneja* v. *State of Karnataka* [*Manik Taneja* v. *State of Karnataka*, (2015) 7 SCC 423 : (2015) 3 SCC (Cri) 132] , wherein it was observed as follows : (SCC p. 428, para 11)

> **"*11*. … A reading of the definition of "criminal intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do."**

37. In the present case, the complaint does not specifically attribute any threats or intimidation to the second accused. Therefore, ingredients of Section 506IPC, prima facie, are not made out against him. The argument that the first accused acted at the behest of the second accused is untenable, as Section 34IPC, which imposes vicarious liability in criminal matters, has not been applied in this case.

38. However, the complainant has stated in her complaint that she was threatened by the first accused, as detailed below:

> "Then on 25-10-2013 at about 2.00 p.m. and 3.00 p.m. one Madhushiree Dutta (HR) asked me to forcefully resign or otherwise I will be sent out immediately. Further she abruptly asked me not to come for my work henceforth."

> **39. Before an offence of criminal intimidation to be made out against the first accused, it must be established that she had the intention to cause alarm to the complainant. A review of the alleged threat reveals that the complainant is primarily alleging illegal termination, which constitutes a civil dispute, rather than criminal intimidation. It is also the appellants' case, which has not been disputed by the complainant, that the complainant has filed a reference before the Labour Court challenging her termination and seeking reinstatement along with back wages. Given these circumstances and the materials on record, the ingredients of Section 506IPC, prima facie, are not disclosed against the first accused too**."

29.5. The offences alleged against the petitioners also include those punishable under Sections 74, 75, and 76 of the BNS, which were Sections 354, 354A, and 354B of the IPC, the earlier regime. The ingredients of the said offences are conspicuously absent in the complaints. Section 74 requires an assault or use of criminal force with the intent to outrage, or knowing it to be likely to outrage, the modesty of a woman. Section 75 requires unwelcome physical contact and advances, a demand or request for sexual favours, showing pornography against the will of a woman, or sexually coloured remarks. Section 76 requires an assault or use of criminal force with the intent to disrobe. The complaints do not narrate any such act, word or gesture. All that is alleged is that abuses are hurled in filthy language, without even indicating the words used or

the context, and without any averment of an intention to insult or outrage the modesty of a woman. Therefore, the offences under Sections 74, 75, 76 and 79 of the BNS are thus loosely laid.

30. A reading of the complaints, which are similar in nature, would not indicate that the ingredients of the offences are present, even to their semblance. In that light, the civil suits being pending between the parties right from the year 2010 till 2025, and the crimes having been registered against each other, the unmistakable inference that would be drawn is that the crimes so registered are all an offshoot of the pending civil proceedings or of the judgments passed by the concerned civil Courts. An issue that is purely civil in nature is projected as crimes in all these cases. Jurisprudence is replete with the principle enunciated by the Apex Court that criminal law cannot be set into motion as an offshoot of civil proceedings.

30.1. The Apex Court in the case of **INDER CHAND BAGRI v. JAGADISH PRASAD BAGRI[4],** has held as follows:

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[4]2025 SCC OnLine SC 2529

"…. …. ….

24. The complainant/respondent No. 1 has an alternative remedy of filing a civil suit to set aside the sale deed dated 20.06.2011 and claim damages for the alleged violation of his contractual rights which he is already pursuing *vide* Title Suit No. 160 of 2012 against the appellant-accused which is currently pending adjudication and hence the route through criminal proceedings, when no ingredient of offence is made out, cannot be permitted. Criminal law ought not to become a platform for initiation of vindictive proceedings to settle personal scores and vendettas. The appellant-accused therefore, in our view, could not be attributed any *mens rea* and therefore, the allegations levelled by the prosecution against the appellant-accused are unsustainable.

25. Furthermore, in *Inder Mohan Goswami*, it was held by this Court that the Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. It was further held by this Court that it is neither possible nor desirable to lay down an inflexible rule that would govern the exercise of inherent jurisdiction. In view of the above and for the reasons stated above, we are of the firm opinion that to continue the criminal proceedings against the appellant-accused herein would cause undue harassment to him because as observed hereinabove, no *prima facie* case for the offence under Sections 406 or 420 of the IPC is made out.

26. In this regard, it would be apposite to rely on the judgment in the case of *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426 ("Bhajan Lal") with particular reference to paragraph 102 therein, where this Court observed:

> "102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court

in a series of decisions relating to the exercise of the extraordinary power Under Article 226 or the inherent powers Under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the Accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act

(under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the Accused and with a view to spite him due to private and personal grudge."

27. On a careful consideration of the aforementioned judicial dicta, we find that none of the offences alleged against the appellant-accused herein is made out. In fact, we find that the allegations of criminal intent and other allegations against the appellant-accused herein have been made with a *mala-fide* intent and therefore, the judgment of this Court in the case of *Bhajan Lal* extracted above, squarely applies to the facts of these cases. It is neither expedient nor in the interest of justice to permit the present prosecution to continue.

28. At this juncture, we find it apposite to mention the observations of this Court in *Vishal Noble Singh* v. *State of Uttar Pradesh*, (2024) 14 SCC 112 wherein it was observed that in recent years the machinery of criminal justice is being misused by certain persons for their vested interests and for achieving their oblique motives and agenda. Courts have therefore to be vigilant against such tendencies and ensure that acts of omission and commission having an adverse impact on the fabric of our society must be nipped in the bud. We say so for the reason that while the complainant/respondent No. 1 has made grave allegations against the appellant herein, he has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts."

30.2. The Apex Court in the case of **SUNISHA ANAND v. STATE OF HARYANA**[5], has held as follows:

"…. …. ….

> **4.** The allegation as seen from the first FIR is that the appellant is the daughter of one Onkar Singh and Mohinder Kaur, who are title holders to certain properties. Onkar Singh having died, the appellant also obtained right over the said property by way of succession. **It is the allegation that the mother of the appellant got fake GPAs executed and registered on the strength of which lands were transferred to the accused Pratap Singh and Prem Pal, who entered into further conveyances with respect to the same properties. It was also alleged that the appellant and her mother did not have title over the entire properties, the title to a portion of which having been divested by transfer to the Government.** In the first FIR, the first information statement refers to the appellant, but the appellant was not made one of the accused. In the second FIR produced as Annexure P10 the very same allegations are levelled and there is nothing unearthed to find the culpability of the appellant herein but for a reference to a *jamabandi* having been referred to in the document, which in fact does not exist.
>
> **5. As we see from the records, the de-facto complainant, the second respondent is said to be in possession of certain lands, which was the subject matter of the transaction alleged. The appellant along with her mother is said to have executed a GPA on the strength of which and by a separate sale deed having conveyed certain properties to the accused. We are unable to comprehend how the GPA can be termed as fake or fraudulent, when the very contention is that the GPAs were executed by the mother and daughter. Further the *jamabandi* having been noticed in the sale deed or the vendors having conveyed more property than they had**

[5] **2026 SCC OnLine SC 859**

title over cannot lead to any criminal liability as such; which if at all alleged, should be by the purchasers. Here, a person alleged to be in occupation of a land has filed the complaint and we are unable to find any reason on facts as disclosed from the FIR to even allege any criminality on the appellant herein. Admittedly, there is a civil suit pending as initiated by the de-facto complainant. Criminal law cannot be used to further the cause in a purely civil dispute."

30.3. The Apex Court in the case of **BHIKHUBHAI GOVINDBHAI PATEL v. STATE OF GUJARAT**[6], has held as follows:

"…. …. ….

37. At the outset, it is required to be noted that the dispute between the parties pertains to title and ownership over ancestral immovable property bearing Survey No. 157 situated at Village Panas, Surat. **The record reveals that civil proceedings in respect of the said property have remained pending since the year 2000. The appellants instituted Special Civil Suit No. 377/2000 asserting their claim to ⅔rd share in the suit property and that the dispute has travelled through multiple rounds of litigation before the civil courts, the High Court and even this Court.**

38. It is pertinent to note that throughout the civil litigation for several years, respondent No. 2 never alleged commission of offences such as extortion, criminal intimidation, forgery or conspiracy by the appellants. On perusal of the written statement filed by respondent No. 2 in the civil proceedings, being Special Civil Suit No. 377/2000, it is true that respondent No. 2 asserted exclusive ownership over the property but did

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[6] 2026 SCC OnLine SC 915

not contain the allegation of any criminal conduct committed by the appellants. To our minds, this circumstance is of importance because the said allegations were levelled in the impugned FIR and are related to events occurring in or around the year 2001, i.e., during the period of the civil litigation.

…. …. ….

40. The High Court in the impugned judgment, despite noting down this sequence of events, failed to examine the legal effect of suppression of the earlier complaint and the material improvement introduced in the subsequent impugned FIR. **In our view, the subsequent introduction of allegations of extortion, demand of money and intimidation in the second complaint materially alters the nature and complexion of the dispute and supports the contention of the appellants that the criminal proceedings are an afterthought intended to give criminal colour to a longstanding civil dispute. Though respondent No. 2 contended that the subsequent FIR merely elaborated upon earlier allegations, we find that the allegation of extortion, which is one of the grave accusations in the FIR, was absent in the first complaint and surfaced only subsequently. Thus, such material improvements cannot be ignored while examining whether the criminal process is being abused or not.**

…. …. ….

42. Recently, this Court, in *Mohd. Wajid* v. *State of U.P.* (supra), held that where delay is coupled with circumstances creating serious doubt about the genuineness of the prosecution, the proceedings may warrant quashing. The relevant paragraphs read as under:

> ***"36. 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.

37. 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.

38. 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."

43. We shall now examine whether the allegations contained in the impugned FIR, even if taken at face value, disclose the ingredients of the alleged offences.

…. …. ….

46. Similarly, the ingredients of the offence of cheating punishable under Section 420 of the IPC are also

> **absent, i.e. to constitute the offence of cheating, there must exist deception, fraudulent inducement and consequential delivery of property coupled with dishonest intention at the inception of the transaction. There is no allegation in the FIR that respondent No. 2 delivered any property, money or valuable security to the appellants pursuant to deception or inducement and importantly, the material on record does not disclose dishonest intention at inception. The High Court in the impugned judgment observed that "false representation" was made by the accused persons despite knowing that they had no title. However, the foundation of the pending civil suit is the claim of the appellants that they possessed ⅓rd share in the property pursuant to the ULC Act proceedings and related revenue records and thus, a disputed civil claim cannot automatically be treated as fraudulent representation so as to attract Section 420 of the IPC.**"

In the light of the cases and the counter cases arising out of an offshoot of the civil proceedings pending between the parties, engaging in criminal justice system for those purposes would become an abuse of the process of the law and result in miscarriage of justice. Therefore, either of the cases registered by the accused or against the complainant which do have any semblance of ingredients for directing further investigation or trial at respective stages that they are.

31. For the aforesaid reasons, the following:

ORDER

a. The criminal petitions are allowed.

b. The impugned crimes in Crime Nos.229/2023, 231/2023, 73/2025, 93/2025, 74/2025, 103/2025 and 305/2025 in the respective petitions stand quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ