HC-KAR

NC: 2026:KHC:59969
CRL.P No. 13009 of 2026

CNR: KAHC010584592026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 13009 OF 2026

BETWEEN:

1. IRFAN,
   S/O TAJPEER,
   AGED ABOUT 21 YEARS.

2. TAJPEER,
   S/O PASHA JAN,
   AGED ABOUT 54 YEARS.

3. RAAMATHUNNISA,
   W/O TAJPEER,
   AGED ABOUT 56 YEARS,

   ALL ARE RESIDING AT KOTE BEEDI,
   MANCHENMHALLI,
   MANCHENMHALLI TALUK,
   CHICKBALLAPURA DISTRICT, KARNATAKA - 561211.

…PETITIONERS

(BY SRI MANJUNATHAGOWDA K S,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   REP. BY MANCHENMHALLI POLICE STATION,
   GOWRIBIDANUR CIRCLE, CHICKBALLAPURA
   DISTRICT.REP. BY SPP,
   HIGH COURT BUILDING,
   BANGALORE-560001.

2. SHAMA FARVEEN,
   W/O SHABEER,

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RAMNATH HEGDE

AGED ABOUT 35 YEARS,
R/A TALAVARA BEEDI,
MANCHENAHALLI VILLAGE,
MANCHENAHALLI TALUK,
CHIKABALLAPURA DISTRICT,
KARNATAKA - 561211.

3. MAHAMMED HUSSAIN,
S/O SHABEER
AGED ABOUT 14 YEARS,
REPRESENTED BY ITS GUARDIAN
R/A TALAVARA BEEDI,
MANCHENAHALLI VILLAGE,
SHAMA FARVEEN, MANCHENAHALLI TALUK,
CHIKABALLAPURA DISTRICT,
KARNATAKA - 561211.

…RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN CRIME NO.0116/2026 REGISTERED BY MANCHENHALLI POLICE STATION, GOWRIBIDANNUR CIRCLE SUB DIVISION, CHICKBALLAPURA FOR THE OFFENCE P/U/S 118(1), 3(5), 352, 351(2) OF BNS PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC COURT, GOWRIBIDANUR, CHICKABALLPURA DISTRICT, WHICH IS PRODUCED AT ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

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RAMNATH HEGDE

CNR: KAHC010584592026

ORAL ORDER

Heard the learned counsel for the petitioners and the learned Additional State Public Prosecutor for the respondent-State.

2. This petition is filed to quash the FIR in Crime No. 116/2026 registered by Manchenahalli Police Station, Gowribidannur Circle Sub-Division, Chickballapura.

3. The offences alleged are under Sections 118(1), 3(5), 352, 351(2) Bharathiya Nyaya Sanhita, 2023.

4. Learned counsel for the petitioners would submit that this complaint is a counter blast to the complaint filed by petitioner No.3. It is the submission that, petitioner No.3 is the victim of the incident said to have taken place on 19.04.2026 had lodged a complaint on 23.04.2026 after the victim recovered from the injury.

5. It is the submission that, 40 days later, the present complaint is filed and would submit that the Police could not have registered the FIR and could not have undertaken the investigation.

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6. It is the further submission that merely because the investigation is carried out and the charge sheet is filed, the petition does not become infructuous and still the case has to be considered on merits and appropriate order has to be passed.

7. Learned Additional State Public Prosecutor would submit that investigation is carried out and the charge sheet is filed. Charge sheet would disclose the wound certificate and there are statements of the eye-witnesses to the alleged incident, as such, the learned Additional State Public Prosecutor would submit that the matter requires trial.

8. The Court has considered the contentions raised at the Bar and perused the records.

9. Admittedly, there are two complaints. One is filed by petitioner No.3 on 23.04.2026 which resulted in FIR No. 92/2026. In the said complaint, petitioner No.3 has alleged that she was assaulted and suffered injury and names of the accused have been mentioned in the said complaint. Later, respondent No.2 has filed a complaint on 04.06.2026. She has

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also referred to the alleged incident of assault and verbal abuse.

10. It is also stated in the complaint that the victim/respondent No.2 was taking treatment and later when the incident was brought to the notice of the leaders in the community, they assured some action. However, nothing happened and thereafter the complaint is filed.

11. Since there are allegations from both sides relating to the alleged incident dated 19.04.2026, what is required to be noticed is the presence of the parties mentioned in the complaint is to an extent admitted. The question is who is the aggressor and who is the victim. Merely because there is a delay of 40 days in lodging the complaint, one cannot jump to the conclusion that the complainant is the aggressor or the second complainant is the aggressor. Who is the aggressor and who is not the aggressor is a matter which is required to be investigated by the Police.

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12. That being the position, FIR cannot be quashed as the contents of the complaint *prima facie* disclose the ingredients of the cognizable offence.

13. At this stage, the Court is not required to consider the merit of the allegation. The Court is only required to consider whether the allegations, if true, constitute the offence.

14. For the aforementioned reasons, the Criminal Petition is ***dismissed***.

15. It is made clear that observations made in this order are only confined to the merits of the petition under Section 528 of the Bharathiya Nagarika Suraksha Sanhita, 2023 and not on the merits of the offence to be raised by the petitioners.

16. The Court has also taken note of the fact that the charge sheet is filed against respondent No.2 based on the complaint filed by petitioner No.3.

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(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 1 Sl No.: 42