HC-KAR
NC: 2026:KHC:62329
CRL.P No. 14700 of 2025
CNR: KAHC010693492025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 14700 OF 2025

BETWEEN:

1. SRI NAGESHA
   SON OF KRISHNAPPA
   AGED ABOUT 39 YEARS
   RESIDING AT KADRINEHALLI VILLAGE,
   GOWRIBIDANUR TALUK,
   CHICKBALLAPURA,
   KARNATAKA - 562 101

2. SMT. RAMYA
   WIFE OF RAGHAVENDRA
   AGED ABOUT 39 YEARS
   RESIDING AT NO. 129 'A',
   6TH MAIN, 12TH CROSS,
   JP NAGAR,
   BENGALURU - 560 078.

...PETITIONERS

(BY SRI. NEERAJ RAJIV SHIVAM, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY THE SUB INSPECTOR OF POLICE
   GOWRIBIDANUR RURAL POLICE STATION
   GOWRIBIDANUR - 562 101.
   REP BY STATE PUBLIC PROSECUTOR

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2. SMT RATHNAMMA
WIFE OF SRINIVASA REDDY
AGED ABOUT 60 YEARS,
RESIDING AT TOKALAHALLI VILLAGE,
NAGARAGERE HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA - 562 101.

…RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.P.C. (FILED U/S 528 BNNS) PRAYING TO A. QUASH THE FIR DATED 12.02.2025 LODGED BY RESPONDENT NO.2 IN CRIME NO.44/2025 CHARGE SHEET DATED 16.03.2025 FILED BY RESPONDENT NO.1.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

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ORAL ORDER

1. Petitioners are before this Court seeking for the following reliefs.

> *"i. Quash the FIR dated 12.02.2025 lodged by Respondent No.2 in Crime No.44 of 2025; charge sheet dated 16.03.2025 filed by Respondent No.1;*
>
> *ii. Quash the Order of cognizance dated 20.03.2025 passed by Civil Judge & JMFC, Court, Gudibande. Consequently, quash all further proceedings n C.C.No.122 of 2025 pending on the file of the Civil Judge and JMFC, Court, Gudibande;*
>
> *iii. Issue any other directions as this Hon'ble Court deems fit and grant any such other appropriate reliefs to the petitioner including costs in the interest of justice and equity".*

2. Respondent No.2 lodged a complaint on 12.02.2025, on the basis of which FIR in Crime No.44 of 2025 came to be registered by Gowribidanur Rural Police Station. Upon completion of the investigation, a charge sheet was filed on 16.03.2025 for the offences punishable under Sections 115(2), 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'the BNS'). The learned Magistrate took cognizance on 20.03.2025 and registered the proceedings as C.C. No.122 of 2025. It is challenging the FIR, charge sheet and the consequential proceedings that the petitioners are before this Court.

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3. The allegation in the complaint lodged by respondent No.2 is that, on 11.02.2025 at about 7.30 p.m., the petitioners assaulted her by questioning how she could graze a chicken in the land belonging to them. This led to an altercation, during which respondent No.2 alleges that she was verbally and physically assaulted and kicked by the petitioners. She thereafter obtained treatment at the Government Hospital on 12.02.2025. The wound certificate produced indicates that she was examined at about 11.35 a.m. on that date, complaining of pain in the left shoulder and left hip. X-rays of the left shoulder and left hip were also taken to ascertain whether there was any fracture.

4. The submission of Sri Neeraj Rajiv Shivam, learned counsel for the petitioners, is that there is a civil dispute between the parties in relation to the subject properties, which is pending in RFA No.2027 of 2022. According to him, the complaint lodged by respondent No.2 is an attempt to give a criminal colour to the existing civil dispute.

5. His second submission is that the complaint lodged by respondent No.2 is a counterblast to the complaint lodged by petitioner No.1 on 11.02.2025, which came to be registered by Gowribidanur Rural Police Station in Crime No.42 of 2025 for the offences punishable under Sections 118(1), 115(2), 352 and 3(5) of the BNS. A charge sheet

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has also been filed in the said case on 20.03.2025. Learned counsel submits that the petitioners' version of the incident has been disclosed in the earlier complaint and that the subsequent complaint by respondent No.2 is intended to falsely implicate them.

6. Heard Sri Neeraj Rajiv Shivam, learned counsel for the petitioners, and the learned High Court Government Pleader for respondent No.1–State. Perused the papers. Notice to respondent No.2 has been dispensed with in view of the order proposed to be passed.

7. A perusal of the records indicates that there are two complaints arising out of the same incident, one lodged by the petitioners and the other by respondent No.2.

8. In the complaint registered as Crime No.42 of 2025, the petitioners have alleged that petitioner No.2 is the owner of the property bearing Survey No.67/1 and petitioner No.1 works in the said property. They allege that, when they went to the property on 11.02.2025, one Sri Srinivas Reddy and his wife Smt. Rathnamma accosted and assaulted them, causing injuries.

9. Thus, the occurrence of an altercation on the evening of 11.02.2025 is common to both versions. The petitioners allege that they were assaulted by Srinivas Reddy and Rathnamma, whereas respondent No.2 alleges that the petitioners assaulted her. Each side attributes the

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commission of offences to the other. Both complaints have been investigated and charge sheets have been filed.

10. The wound certificate produced by respondent No.2 records that she obtained medical treatment on the morning of 12.02.2025 and complained of pain in her left shoulder and left hip. The fact that she approached the Government Hospital shortly after the alleged occurrence is a circumstance which cannot be ignored at this stage. The medical record, by itself, does not establish who caused the injuries or the circumstances in which they were sustained. Those questions have to be decided on the evidence led in the proceedings.

11. The pendency of RFA No.2027 of 2022 between the parties does not, by itself, furnish a ground to quash the criminal proceedings. The allegations in the present complaint are not confined to the rival claims over the property. They specifically allege verbal and physical assault resulting in bodily pain and the need for medical treatment. Whether the petitioners committed the alleged acts is a matter for trial. The existence of civil proceedings concerning the property does not prevent the criminal law from being set in motion in respect of an alleged assault.

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12. The contention that the complaint lodged by respondent No.2 is a counterblast to the complaint lodged by the petitioners also does not, by itself, justify quashing the proceedings. The fact that the petitioners lodged the first complaint and respondent No.2 lodged the other complaint on the following day establishes that the two complaints are rival versions of the same occurrence. It does not establish that the subsequent complaint is false or malicious. Both versions will have to be examined, and the truth of the incident will have to be ascertained on the basis of the material in the respective proceedings.

13. It is also relevant that the investigation in both complaints has culminated in the filing of charge sheets. The mere filing of charge sheets in both cases does not establish that both versions are true. Nor does it establish that one version is necessarily false. The Investigating Officer is required to examine both complaints together, assess the material collected in each, explain the injuries allegedly sustained by the rival parties and place the relevant material before the Court. It is possible that one party was the aggressor and the other acted in self-defence. It is also possible that both parties committed independent offences during the same occurrence. The investigation and the evidence will have to disclose the actual position.

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14. In this regard, the decision of this Court in **Eshwara v. State of Karnataka**, Criminal Appeal No.100101 of 2016 and connected appeal, decided on 17.03.2022, is relevant. The said decision considered the procedure to be followed in cases involving a complaint and a counter-complaint arising out of the same incident. This Court reiterated the principles governing investigation and trial of case and counter-case.

15. The principles laid down in the aforesaid decision require that both cases arising out of the same incident be investigated by the same Investigating Officer. The Investigating Officer must conduct an impartial and comprehensive investigation, examine the rival versions, consider the injuries sustained by persons on both sides and ascertain who was the aggressor and whether either party acted in the exercise of the right of private defence. The Investigating Officer must not proceed on the assumption that both complaints are true or that both parties are necessarily guilty. The charge sheet must be based on the material collected and the conclusions reached after examining both versions.

16. The said decision also prescribe the procedure to be followed at the stage of trial. Both cases must be tried by the same Court and the same Judge. The prosecution in the two cases should ordinarily be conducted by different Public Prosecutors. The trials must be conducted one

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after the other. After recording the evidence and hearing the arguments in one case, the Court must reserve its judgment and thereafter record the evidence and hear the arguments in the other case. Separate judgments must be delivered in the two cases, one after the other. In deciding each case, the Court must rely on the evidence recorded in that case and must not be influenced by the evidence or arguments in the other case, except to the extent any material is legally brought on record in accordance with law.

17. In the present matter, both complaints arise out of the occurrence dated 11.02.2025. The petitioners are complainants in Crime No.42 of 2025 and accused in Crime No.44 of 2025, whereas respondent No.2 is the complainant in Crime No.44 of 2025 and is alleged to be involved in the counter-version in Crime No.42 of 2025. The proceedings, therefore, have to be treated as a case and counter-case and dealt with in accordance with the procedure laid down in **Eshwara's case**.

18. The allegations made by respondent No.2 that she was assaulted and kicked by the petitioners, read with the medical record indicating that she obtained treatment on the following morning, cannot be brushed aside at the stage of considering a petition for quashing. Whether the petitioners caused the injuries, whether the incident occurred in the manner alleged by respondent No.2, and

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whether the petitioners acted in response to any assault by the other side are matters which require appreciation of evidence. This Court cannot, in exercise of its jurisdiction at this stage, choose one of the two rival versions and accept it as the true account of the incident.

19. The charge sheet invokes Sections 115(2), 118(1) and 3(5) of the BNS. The trial Court, at the appropriate stage, shall examine whether the material collected during the investigation discloses the ingredients of each of the offences invoked. In particular, the applicability of Section 118(1) requires consideration of whether the alleged hurt was caused by a weapon or means specified in that provision. The allegation of physical assault, by itself, cannot dispense with the requirement of establishing the ingredients of the particular provision. Likewise, the applicability of Section 3(5) will have to be considered on the basis of the material indicating common intention. Nothing stated in this order shall be construed as a finding that the petitioners have committed any of the offences alleged.

20. In view of the allegations made in the complaint, the medical record and the existence of a counter-complaint arising out of the same occurrence, this Court is of the considered opinion that the proceedings cannot be quashed merely on the ground that civil disputes are pending between the parties or that respondent No.2

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lodged her complaint after the petitioners had lodged their complaint. The rival versions and the respective allegations of assault will have to be tested in the trial.

21. The appropriate course is to ensure that both cases are dealt with in accordance with the principles governing case and counter-case. The trial Court shall ascertain the status of the proceedings arising out of Crime No.42 of 2025 and ensure that both cases are tried by the same Judge, following the procedure laid down in **Eshwara's case**. The two cases shall not be consolidated into a single trial. They shall be tried consecutively, with separate evidence and separate judgments, which shall be pronounced one after the other.

22. In that view of the matter, this Court is of the opinion that no ground is made out to quash the FIR, charge sheet or the consequential proceedings in C.C. No.122 of 2025.

ORDER

i. The criminal petition stands **dismissed.**

ii. The learned Civil Judge and JMFC, Gudibande, shall ascertain the status of the proceedings arising out of Crime No.42 of 2025 and take necessary steps, in accordance with law, to ensure that the

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proceedings arising out of Crime Nos.42 and 44 of 2025 are tried by the same Court and the same Judge.

iii. The trial of the two cases shall be conducted in accordance with the procedure laid down in Eshwara v. State of Karnataka, Criminal Appeal No.100101 of 2016 and connected appeal, decided on 17.03.2022.

iv. The observations made in this order are confined to the consideration of the present petition. The trial Court shall independently assess the evidence in each case and decide the matters in accordance with law, uninfluenced by any observation made herein.

v. All pending applications, if any, stand disposed of.

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(SURAJ GOVINDARAJ)
JUDGE

NMS/List No.: 1 Sl No.: 50