HC-KAR

CNR: KAHC010699152024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 33330 OF 2024 (GM-RES)

BETWEEN:

1. SRI. SHRINIVAS
   S/O LATE RAMANNA,
   AGED ABOUT 34 YEARS,
   R/AT SHANUBOGANAHALLI VILLAGE,
   JIGANI HOBLI, ANEKAL TALUK
   BENGALURU DISTRICT - 560 083.

2. KARTIK
   S/O SUBRAMANI R
   AGED ABOUT 31 YEARS
   NO. 46, 1ST CROSS
   NEAR MUNESHWARA TEMPLE
   SHANUBOGANAHALLI,
   BANNERUGHATTA, ANEKAL TALUK
   BENGALURU DISTRICT - 560 083

3. SRI. DIWAKAR
   S/O VENKATESHA
   NO. 23, SHANUBOGANAHALLI,
   NEAR KAMBADA ANJANEYA TEMPLE
   BANNERUGHATTA ROAD, BANNERUGHATTA
   ANEKAL TALUK, BENGALURU DISTRICT - 560 083.

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Location: HIGH COURT OF KARNATAKA

4. SRI. RAVI
S/O SOMANNA
AGED ABOUT 39 YEARS
R/AT MUNIMARAYANADODDY
NEAR ARALIKATTE, ANEKAL TALUK
JIGANI HOBLI, BENGALURU SOUTH TALUK
BENGALURU DISTRICT - 560 083.

…PETITIONERS

(BY SRI. VIVEKANANDA N, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HIRIYUR TOWN POLICE STATION ,
REPRESENTED BY SPECIAL PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

2. SMT. SAVITHA
W/O MOHAN D.K,
AGED ABOUT 41 YEARS,
R/AT NO. 950/200, 5TH CROSS,
VEIVERS COLONY, GOTTIGERE
BENGALURU - 560 083.

…RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1;
SRI. GIRISH S, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W 528 OF BNSS 2023 PRAYING TO QUASHING THE FIR IN CRIME NO. 301/2024 OF BANEERUGATTA POLICE STATION AT ANNEXURE -A IN SO FAR THE PETITIONERS ARE CONCERNED WHOM ARE ARRAIGNED AS ACCUSED NO. 1 TO 4 FOR OFFENCES UNDER U/S 115 (2), 3(5), 329 (3), 351 (2) AND 352 OF BNS, 2023 PENDING ON THE FILE OF THE 3RD ADDITIONAL CIVIL JUDGE AND JMFC

ANEKAL, BENGALURU RURAL DISTRICT, AS THE CONTINUATION PROCEEDINGS IS CLEAR ABUSE OF PROCESS OF LAW AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Vivekananda N., learned counsel for the petitioners, Smt.K.P.Yashoda, learned Additional Government Advocate for respondent No.1 and Sri.Girish S., learned counsel for respondent No.2.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 with the following prayers:

> "*WHEREFORE, the petitioners humbly pray that this Hon'ble Court be pleased to*
>
> *a. Issue a writ of certiorari quashing the FIR in Crime No.301/2024 of Bannerghatta Police Station at Annexure-A insofar as the petitioners are concerned who are arraigned*

as accused Nos.1 to 4 for the offence punishable under Sections 115(2), 3(5), 329(3), 351(2) and 352 of Bharatiya Nyaya Sanhita, 2023 pending on the file of the 3rd Additional Civil Judge and JMFC, Anekal, Bengaluru Rural District, as the continuation proceedings is clear abuse of process of law.

b. Pass any such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice."

3. Facts of the case are as under:

3.1. In respect of the immovable property bearing katha No.786/598/497/6/19, old janjar No.559, old property ID No.497/6 situated in Bannerghatta Grama, Jigani Hobli, Anekal Taluk, Bengaluru Rural District, petitioners herein and respondent No.2 are having rival claim and both of them have filed the civil suits.

3.2. Both the suits are pending for adjudication before the jurisdictional Civil Court. Suit filed by respondent No.2 was on 04.11.2024 and suit filed by the petitioners is on 14.11.2024.

3.3. In the mean time, present complaint came to be filed by respondent No.2 alleging that highhandedly petitioners herein had thrown the tenant who occupied the aforesaid premises and in the place of tenant, under respondent No.2, a new person has been inducted by petitioners herein and therefore, sought for suitable action.

4. Based on the written complaint, police registered the case in Crime No.301/2024 for the offence punishable under Sections 115(2), 3(5), 329(3), 351(2) and 352 of Bharatiya Nyaya Sanhita, 2023.

5. Being aggrieved by the same, petitioners herein has filed the petition with the aforesaid prayer.

6. Learned counsel for the petitioners would submit that assuming that the entire allegations made in the complaint is to be accepted as true for the sake of arguments, no criminality can be attributed inasmuch as it is purely a civil matter.

7. He would further contend that remedy opened for the alleged tenant of respondent No.2 is to approach the Court with a relief of restitution and at no stretch of imagination, in the absence of any specific title over the aforesaid property in respondent No.2, the allegations that the petitioners have committed the aforesaid offence is far from truth and thus sought for quashing the pending proceedings.

8. Per contra, learned Additional Government Advocate for respondent No.1/State and learned counsel for respondent No.2 in unison, would contend that the highhanded act of the petitioners herein is the complaint to the jurisdictional police and after thorough investigation alone, the truth will be unearthed and appropriate report would be filed. Therefore, sought for dismissal of the writ petition.

9. Having heard the arguments of both the sides, this Court perused the material on record meticulously.

10. On such perusal of the material on record, it is noticed that there is a civil dispute in respect of the aforesaid property. Respondent No.2 filed the suit on 04.11.2021 whereas the petitioners have filed the suit on 14.11.2024. In both the suits, there is no interim order protecting the possession of the parties.

11. In the meantime, it is the allegation of respondent No.2 that petitioners herein has highhandedly thrown out the tenant of respondent No.2 from the aforesaid property and inducted a new tenant.

12. If it is so, the remedy for respondent No.2 or his tenant is to seek for restitution of possession by approaching the Civil Court.

13. Since the ownership in respect of the aforesaid property itself is in dispute and subject matter of the civil litigation, this Court is unable to accept the contentions urged on behalf of respondent No.2 that there is a criminality involved in the alleged incident.

14. As such, continuation of the criminal case could be turned as abuse of process of law.

15. Therefore, calls for interference by this Court by exercising the power vested in this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023.

16. Accordingly, following:

ORDER

i. Petition is ***allowed***.

ii. FIR registered in Crime No.301/2024 dated 21.11.2024 by Bannerghatta Police Station for the offence punishable under Sections 115(2), 3(5), 329(3), 351(2) and 352 of Bharatiya Nyaya Sanhita, 2023 is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 28