HC-KAR
CNR: KAHC010716232025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 15185 OF 2025

(482(Cr.PC) / 528(BNSS))

C/W

CRIMINAL PETITION NO. 7735 OF 2025

(482(Cr.PC) / 528(BNSS))

CRIMINAL PETITION NO. 7739 OF 2025

(482(Cr.PC) / 528(BNSS))

CRIMINAL PETITION NO. 15188 OF 2025

(482(Cr.PC) / 528(BNSS))

IN CRL.P No. 15185/2025

BETWEEN:

1. SMT. JAYAMMA
   W/O.LATE.ESHWARAPPA,
   AGED ABOUT 80 YEARS.
   RESIDENT OF
   CHKKAYAGATI VILLAGE,
   HOSADURGA TALUK,
   CHITRADURGA DISTRICT-577 524.

2. SRI. HEMARAJA E,
   S/O.LATE. ESHWARAPPA,
   AGED ABOUT 59 YEARS,
   RESIDENT OF
   CHIKKAYAGATI VILLAGE,

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HOSADURGA TALUK,
CHITRADURGA DISTRICT-577524.

…PETITIONERS

(BY SRI. BALARAJ A C.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
STATION HOUSE OFFICER,
HOSADURGA POLICE STATION,
CHITRADURGA DISTRICT
AND ALSO REPRESENTED
BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

2. SRI. R.T.DARSHAN,
S/O.LATE THIMMAPPA,
AGED ABOUT 46YEARS,
RESIDENT OF DHAVAN DARPAN
NILAYA, ROYAL EXTENSION,
2ND CROSS,
SHIVAMOGGA TOWN,
SHIVAMOGGA - 577 204.

…RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
V/O DATED 14.10.2026
SRI. YADUNANDAN N.,ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO A. QUASH THE ORDER PASSED BY THE LEARNED CIVIL JUDGE AND JMFC, HOSADURGA IN TAKING COGNIZANCE OF ALLEGED OFFENCES AGAINST THE PETITIONER DATED 03.10.2024 AND ALSO THE CHARGE SHEET FILED IN CC NO.1364/2024 (CRIME NO.0348 OF 2024) REGISTERED AGAINST THE PETITIONERS AND ALL FURTHER PROCEEDINGS FOR ALLEGED COMMISSION

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OF OFFENCES U/S 329(3), 352, 115(2), 74, 54, 351(2), 3(5) OF BNS 2023 VIDE ANNEXURE-A AND D.

IN CRL.P NO. 7735/2025

BETWEEN:

1. DHRUSHTI,
   S/O THIMMAPAP
   AGED ABOUT 34 YEARS
   R/O DAVANA DARPANA NILAYA
   2 ROYAL EXTENSION
   SHIVAMOGGA - 577 201.

2. DARSHAN
   S/O THIMMAPPA
   AGED ABOUT 41 YARS
   R/AT 2 ROYAL EXTENSION
   KRUSHI NAGARA
   SHIVAMOGGA TOWN
   SHIVAMOGA - 577 204.

3. SOWMYA
   D/O DARSHAN
   AGED ABOUT 34 YEARS
   R/AT 2 ROYAL EXTENSION
   KRUSHI NAGARA
   SHIVAMOGGA TOWN
   SHIVAMOGA - 577 204.

4. PRABHAKARA
   S/O LATE MAHESHWARAPPA
   AGED ABOUT 53 YEARS
   R/O MALLAPPANAHALLI VILALGE
   HOSADURGA TALUK
   CHITRADURGA - 577 527.

...PETITIONERS

(BY SRI. YADUNANDAN N.,ADVOCATE)

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AND:

1. STATE OF KARNATAKA
   HOSADURGA PS
   REP BY SPP
   HIGH COURT BUILDING
   BENGALURU - 560 001.

2. HEMARAJU
   S/O LATE ESHWARAPPA
   AGED ABOUT 55 YEARS
   R/AT CHIKKAYAGATI VILLAGE
   HOSADURGA - 577 554.

3. JAYAMMA
   W/O LATE ESHWARAPPA
   AGED ABOUT 85 YEARS
   RA/T CHIKKAYAGATI VILLAGE
   HOSADURGA - 577 554.

...RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
V/O DATED 14.10.2026
SRI. BALARAJ A.C., ADVOCATE FOR R2 AND R3 (VK NOT FILED)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE PROCEEDINGS IN CC NO.1826/2024 ON THE FILE OF PRL.CIVIL JUDGE AND JMFC, HOSADURGA FOR THE ALLEGED O/P/U/S 189(2), 191,(2), 329,(3), 352, 74, 118(1), 351(2) AND 190 OF THE BNS.

IN CRL.P NO. 7739/2025

BETWEEN:

1. DARSHAN
   S/O THIMMAPPA
   AGED ABOUT 41 YEARS
   R/AT 2 ROYAL EXTENSION

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KRUSHI NAGARA
SHIVAMOGGA TOWN
SHIVAMOGGA - 577 204.

2. SOWMYA
D/O DARSHAN
AGED ABOUT 34 YEARS
R/AT 2 ROYAL EXTENSION
KRUSHI NAGARA
SHIVAMOGGA TOWN
SHIVAMOGGA - 577 204.

3. DHRUSHTI
S/O THIMMAPPA
AGED ABOUT 36 YEARS
R/O DAVANA DARPANA NILAYA
2 ROYAL EXTENSION
SHIVAMOGGA - 577 201.

4. PRABHAKARA
S/O LATE MAHESSHAWRAPPA
AGED ABOUT 53 YEARS
R/O MALLAPPANAHALLI VILLAGE
HOSADURGA TALUK
CHITRADURGA - 577 527.

...PETITIONERS

(BY SRI. YADUNANDAN N.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
HOSADURGA P S
REP BY SPP
HIGH COURT BUILDING
BENGALUR - 560 001.

2. JAYAMMA
W/O LATE ESHWARAPPA
AGED ABOUT 70 YEARS
R/AT CHIKKAYAGATI VILLAGE

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HOSADURGA - 577 554.

3. HEMARAJU
S/O LATE ESHWARAPPA
AGED ABOUT 50 YEARS
R/AT CHIKKAYAGATI VILLAGE
HOSADURGA - 577 554.

...RESPONDENTS

(BY SRI. RANJITH KUMAR N.,HCGP FOR R1;
SRI. A.C. BALARAJ., ADVOCATE FOR R2 AND R3)

THIS CRL.P IS FILED U/S 482 CR.P.C PRAYING TO QUASH THE PROCEEDINGS IN CC.NO.1272/2022 ON THE FILE OF PRL. CIVIL JUDGE AND JMFC, HOSADURGA, FOR THE OFFENCES P/U/S 114,504,323,354,447,506 R/W 149 OF THE IPC, 1860.

IN CRL.P NO. 15188/2025

BETWEEN:

1. SMT.JAYAMMA
W/O LATE ESHWARAPPA,
AGED ABOUT 74YEARS,
RESIDENT OF
CHKKAYAGATI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT-577 524.

2. SRI. HEMARAJ,
S/O. LATE. ESHWARAPPA,
AGED ABOUT 54 YEARS,
RESIDENT OF
CHIKKAYAGATI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT-577 524.

...PETITIONERS

(BY SRI. BALARAJ A C.,ADVOCATE)

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AND:

1. STATE OF KARNATAKA
REPRESENTED BY
STATION HOUSE OFFICER,
HOSADURGA POLICE STATION,
CHITRADURGA DISTRICT,
AND ALSO REPRESENTED,
BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

2. SMT.M. SOWMYA,
W/O. R.T.DARSHAN,
AGED ABOUT 33YEARS,
RESIDENT OF DHANAVAN
DARPAN NILAYA,
ROYAL EXTENSION, 2ND CROSS,
SHIVAMOGGA TOWN,
SHIVAMOGGA - 577 204.

...RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
V/O DATED 14.10.2026
SRI. YADUNANDAN N.,ADVOCATE FOR R2 (VK NOT FILED)

THIS CRL.P IS FILED U/S 482 CR.P.C PRAYING TO QUASH THE ORDER PASSED BY THE LEARNED CIVIL JUDGE AND JMFC, HOSADURGA IN TAKING COGNIZANCE OF ALLEGED OFFENCES AGAINST THE PETITIONER AND ALSO THE CHARGE SHEET FILED IN CC.NO.1184/2022 ARISING OUT OF CR.NO.434/2021 REGISTERED AGAINST THE PETITIONERS AND ALL FURTHER PROCEEDINGS FOR ALLEGED COMMISSION OF OFFENCES P/U/S 323,324, 354,504,506,34 OF IPC, VIDE ANNEXURE A AND D.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

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

"In Crl.P.No.7739/2025

WHEREFORE, the Petitioner humbly prays that this Hon'ble Court may be pleased to quash the proceedings in C.C.No.1272/2022 on the file of Prl. Civil Judge & J.M.F.C, Hosadurga for the alleged offences punishable under Sections 114, 504, 323, 354, 447, 506 r/w Section 149 of Indian Penal Code, 1860, in the interest of justice and equity.

In Crl.P.No.7735/2025

WHEREFORE, the Petitioner humbly prays that this Hon'ble Court may be pleased to quash the proceedings in C.C.No.1826/2024 on the file of Prl. Civil Judge & J.M.F.C, Hosadurga for the alleged offences punishable under Sections 189(2), 191 (2), 329 (3), 352, 74, 118 (1), 351 (2) and 190 of the Bharatiya Nyaya Sanhita, in the interest of justice and equity.

In Crl.P.No.15185/2025

Set aside the order passed by the learned Prl.Civil Judge and JMFC, Hosadurga in taking cognizance of alleged offences against the petitioner dated 03.10.2024 and also the charge sheet dated 25.08.2024 filed in C.C.No.1364/2024 (Crime No.348/2024) registered against the petitioners and quash all further proceedings for alleged commission of offences under Sections 329(3), 352, 115(2), 74, 54, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, vide Annexure-A and D;

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In Crl.P.No.15188/2025

Quash the order passed by the learned Civil Judge and JMFC, Hosadurga in taking cognizance of alleged offences against the petitioner and also the charge sheet dated 16.07.2022 filed in C.C.No.1184/2022 (Crime No.434/2021) registered against the petitioners and all further proceedings for alleged commission of offences under Sections 323, 324, 354, 504, 506 and 34 of Indian Penal Code vide Annexure-A and D."

2. Crl.P.No.7735/2025 and Crl.P.No.7739/2025 were filed on account of the complaint filed by the petitioners in Crl.P.No.15185/2025 and Crl.P.No.15188/2025.

3. Crl.P.No.15185/2025 and Crl.P.No.15188/2025 have been filed on account of the complaints filed by the petitioners in Crl.P.No.7735/2025 and Crl.P.No.7739/2025.

4. The allegation made by respondent Nos.2 and 3 in Crl.P.No.7735/2025 is that on 01.08.2024 at around 11.30 a.m to 1:00 p.m. the petitioners had sought to interfere with the possession of the respondent Nos. 2 and 3 in Survey No. 17/1, measuring 7 acre 16 guntas. On which basis, FIR in Crime No. 349/2024 was registered by the Hosadurga Police Station for offences under Section 189(2), 191(2), 329(3), 352, 76, 118(1),

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351(2) and 190 of the Bharatiya Nyaya Sanhita (BNS), 2023.

5. In Crl.P.No.7739/2025, the complaint came to be filed by respondent Nos. 2 and 3 alleging that on 01.10.2021 at 02:00 p.m. the petitioners had sought to interfere with the possession and trespass into the property bearing Sy.No.18/1 situated at Chikkayagati village, Kasaba Hobli, Hosadurga Taluk. On which basis FIR in Crime No. 435/2021 was registered by the Hosadurga Police for offences punishable under Sections 504, 323, 354, 447, 506 and 34 of IPC.

6. In Crl.15185/2025, a complaint had been filed by respondent No.2 alleging that on 01.08.2024 at 11:50 to 12:00 the petitioners had sought to interfere with the possession of land in Sy.No.18/1 of Chikkayagati Village. On which basis, in Crime No.348/2024 had been registered by the Hosadurga Police for offences punishable under Sections 329(3), 352, 115(2), 74, 54, 351 (2), (3)(5) and of the Bharatiya Nyaya Sanhita (BNS) 2023.

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7. In Crl.15188/2025, a complaint had been filed by respondent No.2 alleging that on 01.10.2021 at around 12:30p.m. the petitioners had sought to interfere with the possession of land in Sy.No.18/1 of Chikkayagati Village. On which basis, in Crime No.434/2021 had been registered by the Hosadurga Police for offences punishable under Sections 504, 323, 324, 506, 354, 447,34 of IPC.

8. The petitioner in Crl.P.No.7735/2025 had also filed another complaint on 01.10.2021 alleging that it is the respondents who had interfered with the possession as regard which, FIR in Crime No.434 of 2021 was registered by the Hosadurga Police Station for offences under Section 504, 323, 324, 506, 354, 447 and 34 of the IPC. Both in the Crl.P.No.7739/2025 and Crl.P.No.7735/2025 charge sheet have been filed as indicated in the prayer for the very said offences. Subsequently, in the year 2024, one other altercation occurred between the parties resulting in the respondents in Crl.P.No.15185/2025 filing a complaint alleging that

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the petitioners in Crl.P.No.15185/2025 had sought to interfere with their possession as also assaulted them. As regards which FIR in Crime No. 348/2024 was registered by the Hosadurga Police for offences under punishable Sections 329(3), 352, 115(2), 74, 54, 351(2) and (3)(5) of the Bharathiya Nyaya Sanhita (BNS), 2023.

9. The petitioners in Criminal Petition No. 15185/2025 had also filed a complaint on the very same day as regards the very same incident, as regards which FIR in Crime No. 349/2024 was registered by the Hosadurga Police Station for offences punishable under Sections 189(2), 191(2), 329(3), 352, 74, 118(1), 351(2) and 190 of BNS, 2023.

10. In both the matters, the submission made by the respective counsel is that a criminal colour is being given to a civil dispute. Inasmuch as, once earlier a suit in O.S.No.38/1988 had been filed for declaration of permanent injunction as regards the very same property which came to be decreed in favour of the father of the petitioners in Crl.P.No.7735/2025 and subsequently

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execution proceedings had been filed in EP No.25/2014 which came to be dismissed on 20.07.2018. Subsequently a suit in OS No. 188 of 2020 had been filed by the petitioners in Crl.P.No.15185/2025, seeking for permanent injunction in respect of land in Sy.No.17/1, which is nothing but the re-numbered Sy.No.18/1. The allegations made in each of the complaints filed by the respective complainant is that the other has sought to interfere with the possession. In some of the complaints, other serious offences have also been alleged against each other.

11. Considering that earlier a suit in OS No.38/1988 had been filed. And now a suit in OS No. 188 of 2020 is pending as regards the very same property, where the rights of the parties, including the status of the property and possession, are required to be determined. This Court is of the considered opinion that unless such determination is arrived at, the continuation of the criminal proceedings would not serve any purpose.

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12. Both the counsels, having been put on notice, have submitted that they have advised their respective clients to await the result of the pending civil proceedings. In that view of the matter, considering that the criminal complaints arose on account of a property dispute between the parties as regards which civil proceedings are pending, it would not be in the interest of justice to prosecute the respective petitioners in all the above petitions for criminal offences arising from such civil disputes.

13. As such, this Court passes the following:

ORDER

(i) Criminal petitions in Crl.P.Nos.7739/2025, 7735/2025, 15185/2025 and 15188/2025 are **allowed**.

(ii) Proceedings in C.C.No.1272/2022 on the file of Prl. Civil Judge & J.M.F.C, Hosadurga for the alleged offences punishable under Sections 114, 504, 323, 354, 447, 506 r/w Section 149 of Indian Penal Code, 1860 in Crl.P.No.7739/2025 is **quashed**.

(iii) Proceedings in C.C.No.1826/2024 on the file of Prl.Civil Judge & J.M.F.C, Hosadurga, for the alleged offences punishable under Sections 189(2), 191 (2), 329 (3), 352, 74, 118 (1), 351 (2) and 190 of the Bharatiya Nyaya Sanhita, in Crl.P.No.7735/2025 is **quashed**.

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(iv) Proceedings in C.C.No.1364/2024 (Crime No.348/2024) on the file of learned Prl.Civil Judge and JMFC, Hosadurga, registered against the petitioners for the alleged offences under Sections 329(3), 352, 115(2), 74, 54, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, vide Annexure-A and D in Crl.P.No.15185/2025 is **quashed**.

(v) Proceedings in C.C.No.1184/2022 (Crime No.434/2021) on the file of learned Civil Judge and JMFC, Hosadurga, registered against the petitioners for the alleged offences punishable under Sections 323, 324, 354, 504, 506 and 34 of Indian Penal Code vide Annexure-A and D in Crl.P.No.15188/2025 is **quashed**.

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(SURAJ GOVINDARAJ)
JUDGE

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