



CNR: KAHC010401382021

NC: 2026:KHC:47689
CRL.P No. 8397 of 2021
C/W CRL.P No. 1694 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 8397 OF 2021

C/W

CRIMINAL PETITION NO. 1694 OF 2021

IN CRL.P No. 8397/2021

BETWEEN:

SRI VIKASH KUMAR VIKASH
S/O PRABHU NARAYANA RAZAK
AGED ABOUT 42 YEARS
FORMERLY, SUPERINTENDENT OF POLICE
CHIKKAMAGALUR DISTRICT
PRESENTLY R/AT FLAT NO.4
SENIOR POLICE OFFICER'S QUARTERS
JEEVAN BHIMA NAGAR
BHEING J B NAGAR POLICE STATION
BENGALURU - 560 075.

...PETITIONER

(BY SRI K B K SWAMY, ADVOCATE)

AND:

1. G S CHANDRASHEKAR
S/O SUBARAJ
AGED ABOUT 62 YEARS
POLICE SUB INSPECTOR (CRIME)
MALLANDUR PS
CHIKKAMAGALURU - 577 101.
2. STATE OF KARNATAKA THROUGH
CHIKMAGALURU TOWN PS
REP BY STATE PUBLIC PROSECUTOR





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HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

...RESPONDENTS

[BY SRI MAHESH L., ADVOCATE FOR R1 (VC)
SRI MAHESHA P., HCGP FOR R2]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASHING
THE ENTIRE PROCEEDINGS IN C.C.NO.530/2015 PENDING ON THE
FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL
MAGISTRATE AT CHIKKAMAGALURU FOR THE OFFENCE
PU/S.342,324,114,504, 506 AND 34 OF IPC.

IN CRL.P NO. 1694/2021

BETWEEN:

SRI PANCHAKSHARAI AH
S/O C N NANJEGOWDA,
AGED ABOUT 69 YEARS,
FORMERLY POLICE INSPECTOR,
RURAL CIRCLE
CHIKKAMAGALURU
R/O 'PANCHAMAI NILAYA' NO.257
MANCHIDEVA MARGA, AIT CIRCLE
BYE-PASS ROAD, JYOTHI NAGAR POST,
CHIKKAMAGALURU TALUK - 577 101.

...PETITIONER

(BY SRI PARAMESHWAR N HEGDE, ADVOCATE)

AND:

1. G S CHANDRASHEKAR
S/O SUBBARAI,
AGED ABOUT 62 YEARS,
POLICE SUB-INSPECTOR (CRIME)
MALLANDUR PS
CHIKKAMAGALURU - 577 101.
2. STATE OF KARNATAKA THROUGH
CHICKMAGALUR TOWN PS,
REP BY SPP



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HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI MAHESH L., ADVOCATE FOR R1 (VC);
SRI MAHESHA P., HCGP FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO SET ASIDE/ QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.530/2015 PENDING ON THE FILE OF THE PRL.SENIOR CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE AT CHIKKAMAGALURU FOR THE OFFENCE P/U/S 342,324,114,504,506,34 OF IPC.

THESE PETITIONS ARE COMING ON FOR *ORDERS*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging entire proceedings in CC no.530/2015 on file of Principal Senior Civil Judge & Chief Judicial Magistrate, Chikkamagaluru for offences punishable under Sections 342, 324, 114, 504, 506, 34 of Indian Penal Code, 1860 (**IPC**), these petitions are filed. Crl.P.no.8397/2021 is filed by accused no.1 and Crl.P.no.1694/2021 is filed by accused no.2.

2. Sri Parameshwar N. Hedge, learned counsel for petitioner submitted that petitioner in Crl.P.no.1694/2021 was accused no.2 in complaint filed by respondent no.2 (**complainant**) alleging that at about 12:00 pm on 02.01.2012, while complainant was on duty, Circle Inspector of



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Police (**accused no.2**) enquired over telephone about his absence from sports activities and when complainant replied that due to ill-health, he was on duty at Crime Branch, Mallanduru Police Station from 28.12.2011, accused no.2 abused complainant and threatening to hoist departmental enquiries against him, informed Superintendent of Police (**accused no.1**). Later, Sri Manjeshwar, Sub-inspector of Police, Mallanduru Police Station (**accused no.3**) escorted complainant to office of accused no.1 as per direction. On arrival, accused no.2 made baseless allegations about sports meet, which led to accused no.1 threatening complainant and hurling paper weight towards him hitting him on his right eye brow and causing bleeding injury. When complainant headed towards MG Hospital for treatment, Gangaiah, Ramachandra etc. enquired about injuries. It was alleged with intention to cover up incident no complaint was registered. Hence, he filed complaint on 03.01.2012 against accused.

3. It was submitted, after registering FIR on 03.09.2012 and completing investigation, 'B' report was filed. Complainant file protest petition. Without passing any orders on 'B' report, learned Magistrate passed order keeping open



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contention on sanction for prosecution, took cognizance and directed summons to accused, leading to this petition.

4. It was submitted, as per complaint date of incident was 02.01.2012. Therefore, order taking cognizance on 04.07.2015 was after three years, beyond period stipulated in Section 468 of Code of Criminal Procedure, 1973 (**CrPC**), as offence alleged carried maximum period of sentence of three years. On said ground, interference was warranted.

5. It was nextly contended that learned Magistrate failed to pass specific orders on 'B' report violating ratio in **Dr.Ravikumar v. Mrs.KMC Vasantha & Anr.** reported in **ILR 2018 KAR 1725**. Further, petitioner was government servant and Section 197 of CrPC as well as Section 170 of Karnataka Police Act, 1963 (**KPA**) mandated prior sanction from Government, as held by Hon'ble Supreme Court in **D Devaraja v. Owais Sabeer Hussain** reported in **(2020) 7 SCC 695** and **GC Manjunath & Ors. v. Seetaram** reported in **(2025) 5 SCC 390**. It was also contended that proceedings insofar as accused no.3 were quashed by this Court in Crl.RP no.5483/2020. On above grounds, sought for allowing petition.



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6. Sri KBK Swamy, learned counsel for petitioner in Crl.P.no.8397/2021 filed on behalf of accused no.1 adopted above contentions and prayed for allowing petition.

7. On other hand, Sri Mahesha P., learned HCGP for respondent no.1-State opposed petition. Rebutting contention about proceedings bring time-barred, it was submitted, Hon'ble Supreme Court in ***Ghanshyam Soni v. State (Govt. of NCT of Delhi) & Anr.*** reported in **2025 SCC OnLine SC 1301** had clarified that for purposes of Section 468 of CrPC, Courts were required to verify whether period stipulated in said provision had lapsed as on date of complaint. It was submitted, since complaint herein was filed day after incident, bar would not apply. It was further submitted, in **GC Manjunath's** case (supra), Hon'ble Supreme Court had even while holding requirement of sanction for prosecution mandatory under Section 197 of CrPC as well as Section 170 of KPA, held nexus test was required to be applied. Relying on decisions in ***Ashwini Kumar Upadhyay v. Union of India & Ors.*** reported in **2026 SCC OnLine SC 741** and ***Devinder Singh v. State of Punjab***, reported in **(2016) 12 SCC 87**, it was submitted that obtaining prior sanction was not mandatory for



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initiation of criminal proceedings. It was further submitted, throwing of paper weight and causing grievous injury on fellow officer cannot have nexus with official duty and after 'B' report, complainant had examined himself and produced documents. On consideration of same and by passing specific order, cognizance was taken. On above grounds, prayed for dismissal of petitions.

8. Sri Mahesh L., learned counsel for complainant at outset submitted that petition was not maintainable as Crl.RP no.1155/2015 filed by accused no.3 challenging order taking cognizance was dismissed by this Court on 12.08.2020. In course of said order, contention about prior sanction was also rejected. Therefore, same could not be reinvented in this petition. It was submitted, complainant had retired from service without any blemish or need for disciplining him. Hence, act of accused no.1 causing grievous injury on complainant while on duty, other accused aiding him and thereafter, attempting to suppress incident were grave allegations. It was submitted, contentions urged were without merit and matter required trial. On said grounds, sought dismissal.



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9. In reply, learned counsel for accused no.1 sought to contend that grounds urged in this petition was not urged in Crl.RP no.1155/2015 and in any case there was no bar against challenging proceedings in changed circumstances.

10. Heard learned counsel and perused material on record.

11. These petitions are by accused no.1 and 2 challenging order taking cognizance as well as for quashing of entire proceedings initiated against them for offences punishable under Sections 342, 324, 114, 504, 506 read with Section 34 of IPC.

12. As rightly contended by learned counsel for respondents, Hon'ble Supreme Court in **Ghanshyam Soni's** case (supra) referring to earlier decision in **Bharat Damodar Kale v. State of Andhra Pradesh**, reported in **(2003) 8 SCC 559**, held for relevant period for computing bar under Section 468 of CrPC was period from date of incident upto date of filing complaint and not date of taking cognizance. Consequently, challenge on said ground requires rejection.



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13. Though in **Dr.Ravikumar's** case (supra) procedure to be followed by Magistrate on filing of 'B' report is clarified including need for passing reasoned order at stage of rejection of 'B' report and while taking cognizance, this Court in **Crl.P.no.2882/2019 [2026:KHC:41263]**, held failure to pass specific order on 'B' report, would not be fatal, if order of learned Magistrate indicates sufficient application of mind to entire prosecution material and rejection can be inferred to be deemed.

14. Ratio of decisions in **D Devaraja** and **GC Manjunatha's** cases (supra) indisputably is that obtaining of sanction for prosecution of Government servants (in this case Police Officers) would be mandatory. Though in **Ashwini Kumar Upadhyay** and **Devinder Singh's** cases (supra), it is observed that prior sanction under Section 197 of CrPC would not be necessary for initiation of criminal proceedings, it is clarified that question of sanction has to be decided at stage of or prior to taking cognizance. Impugned proceedings have crossed stage of taking cognizance. Therefore, as rightly pointed out in **GC Manjunatha's** case (supra) it would only be appropriate to apply nexus test to overt acts and determine, if



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they are wholly or reasonably connected to discharge of official function by accused and by taking note of fact that Section 170 of KPA extends statutory protection even to reasonable excesses.

15. Specific overt acts insofar as accused no.2 is about abusing complainant for not participating in Sports Activities, threatening with departmental enquiries and instigating accused no.1. While in case of accused no.1 it is about summoning complainant to his office, locking doors, admonishing him for failure to attend Sport Activities and about hurling paper weight, which hit complainant on his eye brow causing grievous injury.

16. In instant case, complainant as well as accused were Police Officers and belong to an 'uniformed Force' required to perform duty round the clock and for which personnel require to maintain discipline. Acts complained of insofar as accused no.2 are clearly about admonishing complainant for non-participation in Sports Activities, about verbal threats etc. appear for purposes of maintaining discipline and indisputably have nexus with duty or in worst case, within reasonable



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excesses. Hence, failure to obtain sanction insofar as accused no.2 would be fatal.

17. Insofar as accused no.1 there are damning observations made by this Court in Crl.RP.no.1155/2015:

"26. Insofar as sanction is concerned, no law provides for calling to their chamber as part of official duty. Abuse cannot be considered as act of good faith and hitting with the paper weight cannot be considered as bonafide exercise of their duties. They are all breach of personal duty and encroachment of the right of another. Thus, no law provides for considering personal breach, excessive, assault manhandling or battle or fraud or forgery or cheating and the related to be brought within the Rule map of official duties. A public servant is entrusted with the responsibility to discharge his public duties to the betterment of the society within the norms provided in the constitution. The protection under Section 197 of Cr.P.C. cannot be used as a guard of honour in excessive by a public servant. However, it has to be looked into and ascertain it during the trial. It appears that the petitioner wants to question every stage of the proceedings which in the circumstances do not appear to be proper. I find there are no grounds or merit to take up the matter for further proceedings and it is not tenable as a revision petition and the same is rejected at the admission stage itself."

18. Allegation about physical assault and causing grievous injury do not appear to have connection with official duty. Moreso, at this stage when prosecution material has to be



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examined in un rebutted state. Whether circumstances necessitated such action by accused no.1, whether there was any reasonable explanation for incident or whether incident occurred as alleged would require to be addressed at appropriate stage. Accused no.1 would not be justified in calling upon this Court to ignore above observations merely claiming that contentions urged herein are different or there were changed circumstances, without pointing any.

19. In view of above, Crl.P.no.1694/2021 is **allowed**, proceedings in CC no.530/2015 pending on file of Principal Senior Civil Judge and CJM at Chikkamagaluru for offence punishable under Sections 342, 324, 114, 504, 506 read with Section 34 of IPC stand **quashed** and Crl.P.no.8397/2021 is **dismissed** reserving liberty to petitioner to urge all contentions before trial Court at appropriate stage.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV/GRD
List No.: 1 Sl No.: 4