



CNR: KAHC010175662025

NC: 2026:KHC:54908  
CRL.P No. 3999 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**CRIMINAL PETITION NO. 3999 OF 2025 (482(Cr.PC)**  
**/ 528(BNSS)-)**

**BETWEEN:**

MR VIVEK M NARAYAN  
AGED ABOUT 39 YEARS,  
S/O. NARAYANASWAMY M.,  
R/A. NO. 126/88, 15<sup>TH</sup> CROSS,  
GAYATHRI DEVI PARK, MALLESHWARAM,  
BENGALURU - 560 003.

...PETITIONER

(BY SRI. SHREERAM TIMMAPPA NAYAK., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY YESHWANTHAPURA POLICE STATION,  
REP BY THE SPP HIGH COURT,  
BANGALORE - 560 001.
2. Y. M. JAGADEESH  
AGED ABOUT 74 YEARS,  
SON OF Y MUNISWAMY,  
RESIDING AT PALACE ORCHARDS,  
2<sup>ND</sup> CROSS, SADASHIVANAGARA,  
BENGALURU 560 080.

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;  
SRI. KIRAN .B., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S  
528 BNNS) PRAYING TO QUASH THE FIR IN CRIME NO.170/2024



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REGISTERED BY THE RESPONDENT NO.1 FOR THE O/P/U/S 341, 323 AND 504 OF IPC AS PER ANNEXURE B AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

### **ORAL ORDER**

1. The Petitioner is before this court seeking for the following reliefs:

*I. Quash the FIR in Crime No.170/2024 registered by the Respondent No.1 for the offences punishable under Sections 341, 323 and 504 of IPC as per Annexure - B.*

*II. Quash the Final Report dated 03.06.2024 filed by the Respondent No. 1 in Crime No. 170/2024 before the 11 Additional Chief Metropolitan Magistrate At Bangalore for the offences punishable under Sections 341, 323 and 504 of IPC as per Annexure - C.*

*III. Set Aside the Order dated 10.07.2024 by way of which, the VIII Additional Chief Metropolitan Magistrate At Bangalore took cognizance for the offences punishable under Sections 341, 323 and 504 of IPC as per Annexure - D.*

*IV. Quash the entire proceedings in C. C. 22401/2024 on the file of the VIII Addl. Chief Judicial Magistrate, at Bangalore against the Petitioner, offences Punishable Under Sections, 341, 323, and 504 of IPC.*

*V. Pass such other relief's as this Hon'ble Court deems fit to grant on the facts and circumstances of the case.*



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2. Respondent No.2 lodged a complaint on 25.05.2024 alleging that, on 02.05.2024 at about 12.00 noon, the petitioner entered the office of Muniswammappa Kalyana Mantapa, which is stated to belong to the family members, demanded payment of the rental amount of the Kalyana Mantapa and, when the amount was not paid, assaulted respondent No.2 and tore his shirt, causing injuries to him.
3. Respondent No.2 is the paternal uncle of the petitioner. During the course of investigation, statements of several witnesses were recorded. Among them is the statement of M. Narayanaswamy, examined as CW-8, who is the father of the petitioner and who has also supported the case of the complainant.
4. Learned counsel for the petitioner submits that the allegations made in the complaint are false and that the criminal proceedings have been initiated in view of the existing family dispute between the parties.
5. Firstly, he submits that the police station is situated immediately opposite the premises where the incident is alleged to have occurred. According to the complaint, the incident took place at about 12.00 noon, whereas the FIR came to be registered at



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about 1.45 p.m. There is therefore a delay of about one hour and forty-five minutes in lodging the complaint, which, according to learned counsel, creates doubt regarding the very occurrence of the incident.

6. Secondly, learned counsel submits that the petitioner has already instituted O.S. No.3835/2017 seeking partition and separate possession and that the said suit is pending. According to him, the dispute between the parties is essentially civil and arises out of the family property. The criminal complaint, it is submitted, has been filed only to give a criminal colour to the pending civil dispute.
7. On these grounds, learned counsel submits that the continuation of the criminal proceedings would amount to an abuse of the process of law and that the proceedings are liable to be quashed in exercise of the jurisdiction under Section 482 of the Cr.P.C.
8. Per contra, learned HCGP and learned counsel appearing for respondent No.2 oppose the petition. They submit that the complaint contains specific allegations regarding the incident, including the place, time and manner in which the petitioner



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allegedly assaulted respondent No.2 and tore his shirt.

9. It is further submitted that the investigation has resulted in recording the statements of several witnesses and that the statement of CW-8, who is none other than the father of the petitioner, also supports the case of the complainant. The medical evidence is also relied upon to contend that the allegations are supported by the wound certificate.
10. It is submitted that the existence of a civil dispute between the parties cannot by itself be a ground to quash criminal proceedings when the complaint discloses an independent criminal act. Learned counsel therefore submits that the allegations and the material collected during investigation require to be considered at the trial and that no ground is made out for interference under Section 482 of the Cr.P.C.
11. Heard learned counsel for the petitioner, learned HCGP and learned counsel for respondent No.2. Perused the complaint, charge-sheet and the material placed on record.
12. The short point that arises for consideration is "Whether the allegations made in the complaint and



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the material collected during investigation disclose the commission of an offence by the petitioner and, if so, whether the proceedings are liable to be quashed in exercise of the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. on the ground of delay in lodging the complaint and the pendency of the civil suit between the parties?"

13. The complaint contains a specific allegation that, on 02.05.2024 at about 12.00 noon, the petitioner entered the office of Muniswammappa Kalyana Mantapa, demanded payment of the rental amount and, when the amount was not paid, assaulted respondent No.2, who is his paternal uncle, and tore his shirt. Thus, the allegation is not vague or general. The complaint specifies the date, time, place and manner of the alleged incident.
14. The charge-sheet also contains the statements of witnesses recorded during the course of investigation. Of particular relevance is the statement of M. Narayanaswamy, examined as CW-8. He is the father of the petitioner and, according to the material placed before this Court, his statement supports the case of the complainant.



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15. At this stage, this circumstance cannot be ignored while considering whether the prosecution case is so inherently improbable that the proceedings should be quashed.
16. The wound certificate also forms part of the material collected during investigation. It records tenderness over the right shoulder joint and tenderness over the back. The said medical evidence, at least prima facie, is consistent with the allegation of a physical altercation. The tenderness recorded over the shoulder and back cannot be said to completely rule out the allegation that force was used against respondent No.2.
17. Learned counsel for the petitioner has relied upon the delay in registration of the FIR. According to the complaint, the incident occurred at about 12.00 noon and the FIR was registered at about 1.45 p.m. Thus, there is a time gap of about one hour and forty-five minutes.
18. The fact that the police station is situated opposite the premises may be a circumstance which the petitioner may rely upon during the trial while challenging the prosecution version. However, such a delay, by itself, cannot be a ground to conclude at



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the stage of Section 482 proceedings that the incident did not take place.

19. The Court, while exercising jurisdiction under Section 482 of the Cr.P.C., is not required to conduct a detailed appreciation of the evidence or determine whether the prosecution witnesses are ultimately reliable. The question at this stage is whether the allegations, taken at their face value, together with the material collected during investigation, disclose an offence and whether the continuation of the proceedings would amount to an abuse of the process of law.
20. The second contention of the petitioner is based upon the pendency of O.S. No.3835/2017. It is not in dispute that the said suit is a suit for partition and separate possession instituted by the petitioner. Respondent No.2 is arrayed as defendant No.6 in the said suit.
21. Therefore, the factual position is not that respondent No.2 had instituted a civil proceeding against the petitioner and thereafter initiated the criminal proceedings to exert pressure upon him. On the contrary, the pending civil suit has been instituted by



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the petitioner himself against the family members, including respondent No.2.

22. The pendency of the partition suit may show that there is a pre-existing family dispute between the parties. However, the mere existence of such a dispute does not mean that every subsequent criminal allegation is necessarily false or has been given a criminal colour.
23. If the allegations in the complaint disclose an independent act which constitutes a criminal offence, the existence of a civil dispute cannot, by itself, be a ground for quashing the criminal proceedings.
24. In the present case, the allegation against the petitioner is of a specific incident which is stated to have occurred on 02.05.2024. The allegation is that the petitioner entered the premises, demanded payment of the rental amount, assaulted respondent No.2 when the amount was not paid and tore his shirt.
25. The said allegation is supported, at least prima facie, by the material collected during investigation, including the wound certificate and the statement of CW-8, who is the father of the petitioner.



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26. This Court is conscious that the existence of a family or civil dispute may sometimes be a relevant circumstance in determining whether criminal proceedings have been instituted with an ulterior motive. However, in the present case, the material does not permit such a conclusion at the threshold.
27. In particular, the fact that the petitioner's own father has given a statement supporting the prosecution case is a circumstance which requires the allegations to be tested in the ordinary course of trial rather than being rejected at the threshold.
28. The rival contentions of the parties regarding the family dispute, the circumstances leading to the incident, the delay in lodging the complaint and the credibility of the witnesses are matters which can be properly examined by the Trial Court after evidence is led.
29. This Court, in exercise of jurisdiction under Section 482 of the Cr.P.C., cannot undertake such an appreciation of evidence as if conducting a trial.
30. On a consideration of the complaint and the material collected during investigation, this Court is of the considered opinion that the allegations cannot be



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said to be inherently improbable or devoid of supporting material. There is sufficient material requiring the petitioner to face the proceedings in accordance with law.

31. The two circumstances relied upon by the petitioner, namely, the delay in lodging the complaint and the pendency of the partition suit, do not, either individually or cumulatively, establish that the criminal proceedings are an abuse of the process of law.
32. Therefore, the petitioner has not made out a case for exercise of the inherent jurisdiction of this Court under Section 482 of the Cr.P.C.
33. In that view of the matter, this Court passes the following:

### ORDER

- i. Criminal petition is **dismissed**.
- ii. Liberty is reserved to the petitioner to raise all defences before the trial Court.
- iii. It is made clear that the observation made in the present order is only for the purpose of consideration of the petition under Section



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482. The trial Court shall proceed with the matter uninfluenced by the observation made herein.



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**(SURAJ GOVINDARAJ)**  
**JUDGE**

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List No.: 1 Sl No.: 31