HC-KAR

NC: 2026:KHC:55750
CRL.P No. 10977 of 2023

CNR: KAHC010569972023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 10977 OF 2023

BETWEEN:

1. SRI SHIVANNA. M
   S/O LATE MARIMADIAH
   AGED ABOUT 60 YEARS
   OCC-EX CORPORATOR
   MYSURU CITY.

2. SRI RAVI @ RAVI KUMAR M
   S/O SHIVANNA M
   AGED ABOUT 36 YEARS.

3. SRI MAHADEVA
   S/O RACHAIAH
   AGED ABOUT 38 YEARS.

   ALL R/A DOOR NO.1243
   IST FLOOR, 3RD CROSS
   GARADIKERE, LASHKAR MOHALLA
   MYSURU CITY - 570 001.

...PETITIONERS

(BY SRI RAJATH, ADV., V.C)

Digitally signed by NANDINI M S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY THE POLICE OF LASHKAR P.S
   MYSURU CITY, REP BY THE STATE
   PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA
   BENGALURU - 560 001.

2. SRI MADANLAL
   S/O SRI H RATHANCHAND PUROHITH
   AGED ABOUT 34 YEARS
   NO.847, N-10, LOKARANJAN

MAHAL ROAD, ITTEGEGUD
MYSURU CITY - 570 010.

…RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R-1;
SRI S.V. SRINIVAS, ADV., FOR R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.444/2020 REGISTERED PURSUANT TO COGNIZANCE ORDER DATED 23.12.2020 ARISING OUT OF CHARGE SHEET DATED 26.07.2018 FILED BY THE RESPONDENT LASHKAR, POLICE IN CR.NO.56/2016 UPON COMPLAINT DATED 05.06.2016 FILED BY THE RESPONDENT NO.2 AGAINST THE PETITIONERS HEREIN FOR THE ALLEGED OFFENCE P/U/S 341, 504 AND 506 OF IPC PENDING BEFORE THE J.M.F.C. - II COURT, MYSURU.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused Nos.1 to 3 are before this Court in this petition filed under Section 482 of Cr.P.C. with a prayer to quash the entire proceedings in CC No.444/2020 pending before the Court of II JMFC, Mysuru, arising out of Crime No.56/2016 registered by Lashkar Police Station, Mysuru, for the offences punishable under Sections 341, 323, 504, 506 and 392 of IPC.

2. Heard the learned counsel for the parties.

3. Perusal of the material on record would go to show that in respect of the alleged incident that had taken place on

05.06.2016, a case and counter case was registered in Crime No.55/2016 and 56/2016 by Lashkar Police Station, Mysuru. Police, who have filed charge sheet in Crime No.55/2016 had filed a B-final report in Crime No.56/2016. The defacto complainant had filed a protest petition opposing acceptance of B-Final Report filed in Crime No.56/2016.

4. Learned Magistrate vide order dated 23.12.2019 has partly allowed the B-Final Report filed by the Investigation Officer and has taken cognizance of the offences punishable under Sections 341, 504 and 506 of IPC, against the petitioners herein and has directed the Registry to register a case against the petitioners accordingly for the aforesaid offences.

5. This Court in the case of ***Dr. Ravikumar vs. Mrs. K. M. C. Vasantha and Another - ILR 2018 KAR 1725***, has laid down certain guidelines to be followed by the learned Magistrate before whom the B-Final Report is filed by the police after investigating a case.

6. In the present case, the learned Magistrate after filing of B-Final Report has proceeded to hear the defacto complainant,

who had filed a protest petition and thereafter, has passed the order dated 23.12.2019, partly accepting the B-Final Report and has taken cognizance of the offences punishable under Sections 341, 504 and 506 of IPC, against the petitioners and accordingly, has directed the Registry to register a case against them for the aforesaid offences.

7. The aforesaid procedure followed by the learned Magistrate is not in accordance with law and the learned Magistrate has failed to comply the guidelines laid down by this Court in the case of ***Dr. Ravikumar***. The learned Magistrate, who had received the B-Final Report from the police, after hearing the complainant ought to have either accepted the B-Final Report or rejected the same. In case, the B-Final Report was rejected, learned Magistrate thereafter, ought to have recorded the sworn statement of the defacto complainant and proceeded further in accordance with law. The said exercise has not been done by the learned Magistrate and therefore, the order dated 23.12.2019 passed by the learned Magistrate, taking cognizance of the offences punishable under Sections

341, 504 and 506 of IPC, against the petitioners cannot be sustained. Accordingly, the following order:-

8. The criminal petition is ***partly allowed***. The order dated 23.12.2019 passed by the learned Magistrate in Crime No.56/2016 registered by Lashkar Police Station, Mysuru, for the offences punishable under Sections 341, 323, 504, 506 and 392 of IPC, is hereby quashed and the matter is remitted with a direction to the learned Magistrate to proceed further in accordance with law, after strictly complying the guidelines laid down by this Court in the case of ***Dr. Ravikumar*** (supra).

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DN
List No.: 2 Sl No.: 17