



IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.

PRESENT: Sri. Shankarareddy.D.V., L.L.B., PGD in IR & PM.,
Prl. Civil Judge and JMFC, Anekal.

Dated: This the 13th day of May 2026

CC.No.805/2018

Complainant : The PSI of Anekal PS, Anekal
[Represented By Learned A.P.P)]

V/s.

Accused : **1. Nagappa,**
S/o Late Narasimhaiah,
Aged about 50 years,
2. Naveen Kumar,
S/o Nagappa,
Aged about 26 years,
3. Arun Kumar S/o Nagappa,
Aged about 23 years,
All are R/at: Sunavara Village,
Kasaba Hobli, Anekal Taluk,
(Rep. By Sri.M.V.K Advocate)
*_*_*

Date of commission of offence : 10-01-2018
Date of report of offence : 10-01-2018
Offence complained of : U/s. 323, 324, 354, 504, 506,
R/w 34 of IPC.

Name of the complainant : Kanthamma
Date of commencement of
evidence : 07-11-2022
Date of closing of evidence : 06-08-2025
Judgment : 13-05-2026

**Prl. Civil Judge & JMFC.
Anekal.**

J U D G M E N T

The Sub-Inspector of Police, Anekal Police Station, Anekal filed charge-sheet against the accused No.1 to 3 for the offences punishable U/s.323, 324, 354, 504, 506 R/w 34 of IPC.

2. Brief facts of the prosecution case is set out hereunder;

On 10-01-2018 at 6.00 PM wife of accused No.1 and mother of accused No.2 and 3 by name Sumithamma dumped garbage in front of CW-1's house situated at Sunavara village, Anekal Taluk. Therefore, CW-1 questioned the same to the said Sumithamma and at that moment the accused No.1 to 3 picked up quarrel with CW-1, by the time the CW-2 and 3 are being mother-in-law and daughter of CW-1 tried to pacify the quarrel being taking place between CW-1 and accused, then the accused No.1 to 3 with common intention abused the CW-1 to 3 in filthy language and dragged the CW-1 by holding her hair outraging her modesty and assaulted the CW-1 to 3 with hands and club by causing hurt to them and gave life threat to the CW-1 to 3 and thereby accused No.1 to 3 committed the aforesaid offences.

3. After filing of charge-sheet, this court has taken cognizance for the aforesaid offences and ordered to issue summons to the accused No.1 to 3 after registration of criminal case. Accordingly, the present criminal case registered against the accused No. 1 to 3 and issued summons to the accused No.1 to 3.

4. On receipt of summons, accused No. 1 to 3 appeared before the court through counsel and enlarged on bail. Subsequently, charge-sheet copy supplied to the accused No.1 to 3 in compliance of Sec.207 of Cr.P.C. Thereafter, charges prepared for the offences punishable U/s.323, 324, 354, 504, 506 R/w 34 of IPC and explained the same to the accused No.1 to 3, to which accused No.1 to 3 pleaded not guilty and claimed for trial. Therefore, matter set down for prosecution evidence.

5. To prove its case, prosecution examined ten witness as PW-1 to PW-10 and documents and material object marked as Ex.P1 to 7 & MO-1. Thereafter, statement of accused in terms of section 313 Cr.P.C., prepared and explained the same to the accused No.1 to 3, to which accused No.1 to 3 denied the incriminating evidence of prosecution and did not choose adduce any defence evidence.

6. Having heard both side and on perusal material available

on record, the following points arise for consideration;

POINTS

1. Whether the prosecution proves beyond reasonable doubt that on 10-01-2018 at 6.00 PM wife of accused No.1 and mother of accused No.2 and 3 by name Sumithamma dumped garbage in front of CW-1's house situated at Sunavara village, Anekal Taluk, therefore CW-1 questioned the same to the said Sumithamma and at that moment the accused No.1 to 3 with common intention picked up quarrel with CW-1 to 3 and abused the CW-1 to 3 in filthy language with an intention to provoke the breach of peace and thereby the accused No.1 to 3 committed an offences punishable U/s.504 R/w Sec. 34 of IPC?

2. Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place the accused No.1 in furtherance of common intention of other accused No.2 and 3 dragged the CW-1 by holding her hair with an intention to outrage her modesty and thereby the accused No.1 to 3 committed an offences punishable U/s.354 R/w Sec.34 of IPC?

3. Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place the accused No.2 in furtherance of common intention of other accused No.1 and 3 voluntarily caused hurt to the CW-1 by assaulting her with hands and thereby the accused No.1 to 3 committed an offences punishable U/s.323 R/w Sec.34 of IPC?

4. Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place the accused No.1 in furtherance of common intention of other accused No.2 and 3 voluntarily caused hurt to the CW-2 & 3 by assaulting them with club and thereby the accused

No.1 to 3 committed an offences punishable U/s.324 R/w Sec.34 of IPC?

5. Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place the accused No.1 in furtherance of common intention of other accused No.2 and 3 gave life threat to CW-1 to 3 and thereby the accused No.1 to 3 committed an offences punishable U/s.506 R/w Sec.34 of IPC?

6. What order?

7. On appreciation of material available on record, the above points are answered as under:-

Point No.1 to 5	:	In the Negative,
Point No.6	:	As per the final order, for the following;

REASONS

8. Point No.1 to 5:- All these points connected to one incident, therefore to avoid repetition of facts and evidence, all these points are taken up together for consideration ;

PW1/Kanthamma said to be complainant cum victim deposed in her evidence that on 10-01-2018 at about 6.30PM the wife of accused No.1 and mother of accused No.2 and 3 by name Sumithamma dumped garbage in front of her house, therefore she questioned the same with said Sumithamma, in the mean time the accused No.1 to 3 picked up quarrel with her, CW-2 and 3 and assaulted her, CW-2 and 3 with hands and club and gave life threat

to her, CW-2 & 3 and thereby she lodged complaint as per Ex.P1 and police have conducted mahazure as per Ex.P2.

In her examination-in-chief, Pw1 has not stated averments relating to attract the proviso of Sec.354 and 504 of IPC. Therefore, with permission of the court the learned Assistant Public Prosecutor treated the PW-1 as partly hostile and cross-examined PW-1. In the course of cross-examination of learned Assistant Public Prosecutor, PW-1 deposed as “1ನೇ ಆರೋಪಿಯು ಘಟನಾ ದಿನದಂದು ನನ್ನ ಜುಟನ್ನು ಹಿಡಿದು ಎಳೆದಾಡಿದನು ಎಂದರೆ ಸರಿಯಲ್ಲ”. Thus, it is clear that accused No.1 has not dragged the CW-1 by pulling her hair as per the version of prosecution.

In the course of cross-examination by learned accused counsel, PW-1 deposed in page No.4 at para No.1 as “ಘಟನಾ ಸ್ಥಳದ ಚೆಕ್ ಬಂದಿ ಕೆಳಕಂಡಂತಿದೆ;

ಪೂರ್ವಕ್ಕೆ - ಮನೆಗಳು,
 ಪಶ್ಚಿಮಕ್ಕೆ - ಹೊಲ,
 ಉತ್ತರಕ್ಕೆ - ಮನೆಗಳು,
 ದಕ್ಷಿಣಕ್ಕೆ - ಮನೆಗಳು ಇವೆ.

PW-2/Nagamma is no other than mother-in-law of PW-1 deposed in her examination-in-chief that 05 years ago accused No.1 to 3 picked up quarrel with her, CW-1 and CW-3 and assaulted her CW-1 and 3 with club and gave life threat. However, PW-2 in her evidence has not uttered any words relating to Sec.504 of IPC.

Therefore, the Learned Assistant Public Prosecutor treated the PW-2 partly hostile and took admission as accused were abused them in filthy language. In the course of cross-examination by accused counsel, PW-2 deposed in page No.3 at para No.1 as “ಘಟನಾ ಸ್ಥಳದ ಚೆಕ್ ಬಂದಿ ಕೆಳಕಂಡಂತಿದೆ;

ಪೂರ್ವಕ್ಕೆ - ನಮ್ಮ ಮನೆ,
 ಪಶ್ಚಿಮಕ್ಕೆ - ನಮ್ಮ ಮನೆ,
 ಉತ್ತರಕ್ಕೆ - ನಮ್ಮ ಮನೆ,
 ದಕ್ಷಿಣಕ್ಕೆ - ಗೊತ್ತಿಲ್ಲ.

PW-3/Lavanya is no other than daughter of PW-1 and deposed evidence in her examination-in-chief in the line of prosecution story. In the course of cross-examination by accused counsel, in page No.2 at para No.2 deposed as “ಆರೋಪಿಗಳು ನಮ್ಮ ಸಂಬಂಧಿಕರು ಎಂದರೆ ಸರಿ. ಅವರುಗಳು ನಮ್ಮ ನೆರೆಹೊರೆಯವರು ಎಂದರೆ ಸರಿ. ನಮ್ಮ ಮತ್ತು ಆರೋಪಿಗಳ ನಡುವೆ ವೈಮನಸು ಇದೆ ಎಂದರೆ ಸರಿ”. ‘

PW-4 & 5 (Prasanth and Ambareesh) said to be an eye witnesses to the alleged incident completely turned hostile to the case of the prosecution. Therefore, the learned Assistant Public Prosecutor elaborately cross-examined PW-1 and 2. But, failed to elicit any worthy answers in support of prosecution case.

PW-6/Dr. Kumaraswamy M.N deposed in his examination-in-chief that on 10-01-2018 at about 7.20 PM he treated to the CW-2 & 3 and issued wound certificates in that regard as Ex.P5 and 6. In the

course of cross-examination by accused counsel, PW-6 admitted in para No.2 as “It is true to suggest that in Ex.P5 & 6 I have not mentioned the age of injuries”.

PW-7/Suresha said to be a mahazure witness deposed in his examination-in-chief that on 11-01-2018 the police have conducted the mahazure as per Ex.P2 at the alleged incident place and seized the MO.1/Club. In the course of cross-examination by accused counsel, PW-7 admitted as “ನಿಪಿ-2 ರ ಮಹಜರ್ ನನಗೆ ಓದಿ ಹೇಳಲಿಲ್ಲ ಎಂದರೆ ಸರಿ”.

PW-9/Byamma said to be another mahazure witnesses deposed in her examination-in-chief that on 11-01-2018 police have conducted the mahazure as per Ex.P2 at the alleged incident place. In the course of cross-examination by accused counsel, PW-9 deposed as “ನಿಪಿ-2ಕ್ಕೆ ನಾನು ಸಹಿ ಮಾಡಿದಾಗ ಅದರಲ್ಲಿ ಏನು ಬರೆದಿರಲಿಲ್ಲ. ಎಂ.ಬಿ -1ನ್ನು ಈ ದಿನ ನೋಡುತ್ತಿದ್ದೇನೆ. ಸುರೇಶ್ / PW-7 ರವರು ಹೊರತು ಪಡಿಸಿ ಬೇರೆ ಯಾರು ನನ್ನ ಮುಂದೆ ನಿಪಿ-2 ಕ್ಕೆ ಸಹಿಮಾಡಿದ್ದರು ಎಂದರೆ ಚಾಸಾ-1 ಮತ್ತು 7 ರವರು ಎಂದು ನುಡಿದಿರುತ್ತಾರೆ”. Thus, evidence of PW-7 and 9 appears to be contradictory.

PW-8 and 10 (B.Madaiah and Hemanth Kumar.M) being police officials deposed in their examination-in-chief with regard to receipt of complaint and completion of Investigation and filing of charge-sheet.

During the course of argument, learned counsel for the accused vehemently submitted that PW-1 in her evidence deposed as she was sustained injuries from the hands of accused and took treatment, but no documentary material produced in that regard by the prosecution. Further argued that PW-1 and 2 given different and distinct boundaries in respect of alleged incident place and thereby it is doubtful exactly where the alleged incident taken place. Further argued that admittedly the PW-6 / medical officer has not mentioned the age of injuries in the Ex.P5 & 6 (wound certificates) and he also argued that independent witnesses not supported to the case of the prosecution and with long standing enmity against the accused the complainant lodged false complaint for implication accused and thereby prosecution failed to prove its case and prayed to acquit the accused.

In **Aslam @ Imran Vs The State of Madhya Pradesh - 2025 LiveLaw (SC) 365** – The Hon'ble Apex Court in para No.22 observed that “it is a settled law that enmity is a double - edged weapon. On one hand, it provides motive, on the other hand it also does not rule out the possibility of false implication”. In the case on hand, as per the aforesaid admission of PW-3, it is very clear that long standing enmity exists between accused and complainant and their family

members. Therefore, evidence of PW1 to 3 to be considered with great caution.

As pointed herein above, boundaries in respect of alleged incident place stated by the PW-1 and 2 in their evidence are not one and the same and same are distinct. Thus, which is the exact incident place is uncertain. Further, as pointed above PW-1 deposed in her evidence that accused No.1 was not dragged her by pulling her hair. If that is so, no material on record to point the guilt of the accused for the offence punishable under section 354 of IPC. In addition, PW-9 mahazure witness deposed that when he, PW-7, PW-1 were signed to the Ex.P2/mahazure, same was blank paper and he has seen the MO-1/club first time in the court. Thus, evidence of mahazure witnesses inconsistent and contradictory.

Further, as per the version of PW-2 and 3, they took treatment after the alleged incident from PW-6, but the police have not received the MLC report from hospital or PW-6. In addition to the above, more importantly the alleged eye witnesses ie., PW-4 and 5 completely turned hostile to the case of the prosecution. Further, the PW-2 and 3 are no other than mother-in-law and daughter of PW-1, thus the PW-1 to 3 are appears to be interested witnesses. No doubt that the victims evidence cannot be discarded as interested

witnesses, but their evidence to be scrutinized with great caution where long standing enmity to exists between the victims and accused. In the case on hand, as pointed herein above long standing enmity exists between complainant and accused and PW-1 and 2 partly declared as hostile witnesses by the prosecution side and PW-1 stated that accused No.1 not dragged her by holding her hair and PW-1 to 3 in their cross-examination given different and distinct boundaries in respect of alleged incident place and medical officer not stated the age of injuries in the wound certificates. In the circumstance, without any independent and corroborative evidence it cannot be said that prosecution proved its case beyond doubt, as the possibility of the present accused being falsely implicated on account of previous enmity cannot be ruled out. Thus, this court opines that prosecution failed to prove its case beyond doubt. In the result, point No.1 to 5 answered in the Negative.

9. Point No.6:- For the reasons assigned in Point No.1 to 5, this court proceeds to pass the following ;

ORDER

Accused No.1 to 3 are hereby acquitted of the offences punishable under section U/s.323, 324, 354, 504, 506 R/w 34 of IPC.

Property ie., 2 ½ feet club as described in PF No.3/2018 (PR No.70/2022) is ordered to be destroyed after expiry of appeal period as same is worthless.

Bail bonds executed by the accused No.1 to 3 and their sureties stand discharged after expiry of six months from today.

{Dictated to the Stenographer and typed by her the same is corrected and then pronounced by me in the open court on this 13th day of May 2026.}

**Prl. Civil Judge & JMFC.
Anekal.**

:ANNEXURES:

I. WITNESS EXAMINED FOR PROSECUTION SIDE:

P.W.1	-	Kanthamma,
P.W.2	-	Nagamma,
P.W.3	-	Lavanya,
P.W.4	-	Prashanth,
P.W.5	-	Ambareesh,
P.W.6	-	Dr. Kumaraswamy.M.N,
P.W.7	-	Suresh,
P.W.8	-	B Madaiah,
P.W.9	-	Byamma,
P.W.10	-	Hemanth Kumar.M,

II. WITNESS EXAMINED FOR ACCUSED PERSONS: -NIL-

III. DOCUMENTS GOT MARKED FOR PROSECUTION:

Ex.P.1	-	Complaint,
Ex.P.1(a & b)	-	Signatures,
Ex.P.2	-	Mahazure,
Ex.P.2(a to e)	-	Signatures,

- Ex.P.3 - Statement of PW4,
Ex.P.4 - Statement of PW5,
Ex.P.5 & 6 - Wound certificates,
Ex.P.5 & 6(a & b) - Signatures,
Ex.P.7 - FIR,
Ex.P.7(a) - Signature,

IV. DOCUMENTS GOT MARKED FOR ACCUSED PERSONS: -NIL-

**(Sri. Shankarareddy D.V)
Prl. Civil Judge & JMFC.
Anekal.**