



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 964 OF 2025

(397(Cr.PC) / 438(BNSS))

BETWEEN:

MR. MOHAMED AZEEMULLA
S/O. LATE MOHAMED AKBAR,
AGED ABOUT 38 YEARS,
RESIDENTS OF NO. 230,
OLD MASJID MOHALLA,
MAGADI TOWN,
RAMANAGARAM DISTRICT-562 120.
KARNATAKA.

...PETITIONER

(BY SRI. MOHAMED AZEEMULLA., PARTY-IN-PERSON)

AND:

Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA

1. RAHAMATH BI
W/O RASHEED KHAN,
AGED ABOUT 58 YEARS,
RESIDING AT GEJJEGARAGUPPE VILLAGE,
MAGADI TALUK, RAMANAGARAM
DISTRICT - 562120, KARNATAKA.
2. MRS. RAHAMATH BI
W/O. RASHEED KHAN,
RESIDING AT GEJJAGARAGUPPE VILLAGE,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,



KARNATAKA.

3. MRS. KHYRUNNISSA
W/O. LATE MURTUJA KHAN,
RESIDING AT AGALAKOTE VILLAGE,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,
KARNATAKA.
4. MRS. TAHERUNNISSA
W/O. LATE ABDUL JABBAR,
RESIDING AT AGALAKOTE VILLAGE,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,
KARNATAKA.
5. MRS. NAJMUNNISSA
W/O. LATE BABA JAN,
RESIDING AT CHIKKENAHALLI VILLAGE,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,
KARNATAKA.
6. MRS. MUMTAZ UNIZZA
W/O. ABDUL JABBAR,
RESIDING AT OLD MASJID MOHALLA,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,
KARNATAKA.
7. MR. ABDUL JABBAR
S/O. LATE ABDUL RAUF (NANHEE SAB),
RESIDING AT OLD MASJID MOHALLA,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,



KARNATAKA.

8. MR. CHAND PASHA
S/O. MRS. KHYRUNISSA,
RESIDING AT AGALAKOTE VILLAGE,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,
KARNATAKA.
9. MR. DADU
S/O. MRS. RAHAMATH BI,
RESIDING AT GEJJAGARAGUPPE VILLAGE,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,
KARNATAKA.
10. MR. GADI
S/O. MRS. NAJMUNNISSA,
RESIDING AT CHIKKENAHALLI VILLAGE,
MAGADI TALUK,
RAMANAGARAM DISTRICT-562 120,
KARNATAKA.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) BY THE PARTY IN PERSON PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 24.03.2024 PASSED BY THE LEARNED PRL.CIVIL JUDGE AND J.M.F.C AT MAGADI IN PCR NO.137/2024 AND CONSEQUENLTLY UNDER SEC.200 OF CR.PC FOR THE OFFENSES P/U/S 307, 323, 324, 325, 326, 341, 352, 384, 500, 504, 506, 120(B) R/W 149 OF IPC AND NOW AS PER



BNS ACT P/U/S 109, 115, 118(1), 118(2), 118(3), 126, 131, 286, 354, 352, 351, 61(2) R/W 190 OF BNS ACT AGAINST THE RESPONDENTS / ACCUSED NO.1 TO 10.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Mohamed Azeemulla/ Party-in-person.

2. The complainant in PCR No.137/2024 is the revision petitioner. He has challenged the order passed by the Principal Civil Judge and JMFC, Magadi dismissing the private complaint under Section 203 of Cr.P.C., in PCR No.137/2024.

3. Facts which are utmost necessary for disposal of the present revision petition are as under:

3.1 The complainant filed a private complaint on 20.04.2024 alleging an incident said to have taken place on 07.11.2022, wherein the respondent Nos.1 to 9 are



stated to have picked up quarrel with the complainant, his father-Mohamed Akbar along with his brother- Sikander Pasha, when they had visited Agalakote village in connection with the funeral ceremony of Murtuja Khan.

3.2 It is further contended that accused Nos.1 to 9 started attacking the father of the complainant with wooden sticks, bare hands and kicked him and complainant and his brother when tried to rescue the father of the complainant, they have also been assaulted by the respondent Nos.1 to 9. Thereafter, complainant, his father and his elder brother returned to Bangalore and got treated in Maruti Poly clinic and Dental Care (for short 'Maruti Hospital').

3.3 On the same day, a complaint was submitted to the Superintendent of Police, Magadi Taluk, Ramanagara District about the incident and was filed on 21.10.2023. As there was no response from the Superintendent of Police and therefore the complainant filed a private complaint on



20.04.2024 seeking action against the accused persons for the offences punishable under Section 307, 323, 324, 325, 326, 341, 352, 384, 500, 504, 506(B) read with Sections 149, 34 and 120B of IPC.

3.4 After entertaining the private complaint, since the complainant wanted to prove the case by him and got examined himself as PW1 and his sworn statement was recorded.

3.5 In his sworn statement he has stated that on 07.11.2022, he along with his father and his elder brother had visited Agalakote village at about 11.30 a.m. to attend the funeral ceremony of Murtuja Khan. They waited for about 10-15 minutes outside the house of said Murtuja Khan. At that juncture, respondent Nos.1 and 2 came out and started abusing the complainant and his father in filthy language and all of a sudden attacked his father assaulted him with hands. When the complainant and his elder brother tried to rescue his father, accused Nos.1 and



2 also assaulted them. Thereafter, the complainant, his father and his elder brother returned to Bangalore and visited Maruti Hospital situated in R.T. Nagar post, Bangalore and got him treated as an outpatient on 07.11.2022 and 08.11.2022. It is specifically deposed by the complainant that his father had told him not to approach the police and therefore they did not lodge the complaint. It is also deposed by the complainant that the accused persons had earlier harassed them and hence they kept quiet. It is further deposed that on 24.08.2023 father of the complainant died and thereafter they went to Magadi Police Station for registering the case against the accused persons in respect of the incident that took place on 07.11.2022. Since there was no action taken by the Magadi Police Station, they have filed the present complaint.

3.6 The prescription issued by Maruti Hospital is placed on record so also the complaint which was sent to Superintendent of Police, Ramanagara dated 21.10.2023



were placed on record. The death certificate of the father of the complainant was also placed on record and the medical bills were placed on record. The discharge summary was placed on record and based on the same, the action was sought to be taken against the accused persons.

3.7 Learned Trial Magistrate after considering the written arguments placed on record on behalf of the complainant, by impugned order dated 24.03.2025, rejected the private complaint by exercising power under Section 203 of Cr.P.C., *inter alia* holding in paragraph No.9 as under:

" 9. I have carefully gone through the averment of complaint, as per contention of complainant the incident took place on 07.11.2022 but, on the date of incident the complainant or his father not given complaint against accused No.1 to 9 before the concerned jurisdiction police station and the complainant given complaint on 21.10.2023 to the Superintendent of Police, Ramanagara and the complainant filed present complaint on 20.04.2024. On perusal of entire averments of complaint there is



no satisfactory explanation by the complainant about giving complaint after two years of incident and moreover the one of the victim who is the father of complainant also died. It is well settled principle that, to issue of process against accused there must be sufficient grounds and complainant must fulfilled the ingredients of alleged offences. On perusal of entire records the complainant failed to fulfill the ingredients of alleged offence against accused No.1 to 9. Under the circumstances, as already discussed, complainant has not established prima-facie and sufficient grounds to take cognizance and issue process against the accused persons. Thereafter, the point No.1 is answered 'In the Negative'. "

4. Being aggrieved by the same, the complainant is before this Court.

5. The complainant appeared before the Court as a party-in-person, who is also a practicing advocate, reiterated the grounds urged in the petition and contended that since his father had told him and his elder brother not to complain to the police as the accused persons had harassed them earlier, they kept quiet about the incident.



6. However, when his father died on 24.08.2023, he decided to lodge a complaint with Magadi Police Station, but they refused to entertain the same and therefore the complaint was sent to Superintendent of Police on 21.10.2023. There was no response to the complaint and therefore, complainant was constrained to approach the jurisdictional Magistrate for taking action which has not been rightly appreciated by the learned Trial Magistrate and only on the ground of delay impugned order came to be passed which is incorrect and he sought for allowing the revision petition.

7. This Court did not deem it fit to issue notice to the respondents. Therefore, in the light of arguments put forth on behalf of the complainant this Court perused the materials on record meticulously.

8. On such perusal of the material on record, it is crystal clear that the alleged incident said to have taken place on 07.11.2022. Admittedly father of the complainant



said to have told the complainant and his elder brother not to take any action. Whereas in the complaint itself, it has been mentioned that the complainant and his father approached the Magadi Police Station, but the police did not take the complaint. In the sworn statement, the complainant has stated that after the death of the father, he approached the Magadi Police Station.

9. There is no date mentioned as to when they approached the Magadi Police Station or when exactly the written complaint was refused by the Police. Further, in his sworn statement, it is found that accused Nos.1 and 2 abused the father of the complainant and assaulted him with hands and when the complainant and his elder brother tried to rescue his father, they also assaulted them. There is no mention in the sworn statement as to the role said to have been played by the other accused persons. The offences alleged against the accused persons are under Sections 307 and 326 of IPC. No injury is found



as per the prescription that has been given by Maruti Hospital, which has been placed on record.

10. In fact, the Doctor who treated the father of the complainant has treated him for complications related to a respiratory problem (asthma) and the medicines prescribed were also for asthma.

11. What is the time that the complainant approached the Maruti Hospital on 07.11.2022 is not forthcoming from the records nor has the same been deposed by the complainant in his sworn statement. Admittedly, the incident occurred at about 11.30 a.m., on 07.11.2022. What is the time required for reaching Maruti Hospital which is located in R.T. Nagar post, Bangalore from Agalakote village is not forthcoming on record.

12. Further, what prevented immediately to lodge the complaint with Magadi Police Station on the same day is not forthcoming on record. What prevented the complainant and other injured persons to get treated in



the Government General Hospital at Magadi is not forthcoming. Pertinently, there is no history mentioned in the certificate and the prescription that has been placed on record by the Doctor who treated the father of the complainant on 07.11.2022 nor there is any mention about the alleged incident that has aggravated his asthma conditions for the father of the complainant when he has been treated on 07.11.2022.

13. In the month of November 2022, having regard to the cold conditions, there is a possibility of the aggravating circumstances for an asthma patient. Therefore, the treatment said to have taken at Maruti Hospital, Bangalore could not be related to the incident alleged to have occurred on 07.11.2022 at about 11.30 a.m. in Agalakote village. No other material is forthcoming on record about the ingredients of offences under Sections 307, 323, 324, 325, 326, 341, 352, 384, 500, 504, 506(B) read with Sections 149, 34 and 120B of IPC against the respondent Nos.1 to 9.



14. Even as against accused Nos.1 and 2 from the material on record, what can be inferred at the most, is only an offence under Section 323 of IPC, as the sworn statement would only go to show that the accused Nos.1 and 2 assaulted the father of the complainant with hands and when complainant and his elder brother tried to rescue him, they were also assaulted.

15. Apart from the sworn statement, there is no other material on record which would be sufficient enough to prima facie proceed against the accused persons for the alleged offences.

16. Therefore, in the considered view of this Court, the rejection of the complaint by the learned Trial Magistrate in exercise of powers under Section 203 of Cr.P.C., is just and proper, which requires no interference in the revisional jurisdiction.

17. Hence, I proceed to following :



ORDER

The Criminal Revision Petition is hereby ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**

AMM
List No.: 1 Sl No.: 36