



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

**DATED THIS THE 6<sup>TH</sup> DAY OF JUNE, 2025**

**BEFORE**

**THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR**

**CRIMINAL PETITION NO. 9155 OF 2024 (482(Cr.PC) / 528(BNSS))**

**BETWEEN:**

1. MAHAMMED MURTHUJA,  
S/O ABDUL REHAMAN,  
AGED ABOUT 55 YEARS,  
R/AT JOHARA ESTATE,  
CHANDRAPURA VILLAGE,  
CHIKKAMAGALURU,  
KARNATAKA – 577 550
2. RASHIDA BANU,  
W/O MOHAMMED MURTHUJA,  
AGED ABOUT 39 YEARS,  
R/AT JOHARA ESTATE,  
CHANDRAPURA VILLAGE,  
CHIKKAMAGALURU,  
KARNATAKA – 577 550

...PETITIONERS

(BY SRI. KALEEM SABIR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA BY  
GONIBEEDU POLICE,  
CHICKAMAGALURU – 577 550  
REPRESENTED BY STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA,  
AT BANGALORE – 560 029
2. MAHESHA B. C.,  
S/O CHENNEGOWDA,  
AGED ABOUT 57 YEARS,  
R/AT SARAGODU VILLAGE,  
KHANDYA HOBLI,  
CHIKKAMAGALURU,  
KARNATAKA – 577 124

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1;  
R2 – SERVED)



THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE PROCEEDINGS INITIATED AGAINST HIM IN C.C.NO.58/2024 ON THE FILE OF THE HON'BLE SENIOR CIVIL JUDGE AND JMFC MUDIGERE COURT, WHICH IS ARISING OUT OF CR.NO.63/2023 OF GONEBEEDU POLICE STATION, CHICKMAGALURU FOR OFFENCE PUNISHABLE UNDER SECTION 341, 504, 506 R/W 34 OF IPC AS AN ABUSE OF PROCESS OF LAW.

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

CORAM: HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

### **ORAL ORDER**

In this petition, petitioners seek for the following reliefs:

- "a) Quash the proceedings initiated against him in C.C.No.58/2024 on the file of the Hon'ble Senior Civil Judge and JMFC Mudigere Court, which is arising out of Crime No.63/2023 of Gonibeedu Police Station, Chikamagaluru for the offences punishable under Sections 341, 504, 506 read with Section 34 of IPC as an abuse of process of law and*
- b) Grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, in the ends of justice."*

2. Heard learned counsel for the petitioners and learned HCGP for respondent No.1 and perused the material on record.



3. Though respondent No.2 is served with notice, he has remained unrepresented and has not chosen to contest this petition.

4. A perusal of the material on record will indicate that it is the case of the prosecution that when the complainant was taking care of his coffee plantation, the petitioners along with other accused persons trespassed the said plantation of the complainant and hurled abuses at respondent No.2-complainant. Apart from the said abuse, the petitioners herein alleged to have threatened the life of respondent No.2/complainant. Pursuant to the said incident, the complainant filed complaint dated 24.09.2023 alleging offences punishable under Section 447, 504, 506, 34 of IPC. In pursuance of the same the respondents No.1 – Police registered FIR in Crime No.63/2023, which is currently pending in C.C. No. 58/2024 before the Trial Court for the offences punishable under Sections 341, 504, 506 read with Section 34 of IPC. Aggrieved by the same, the petitioners are before this Court by way of the present petition.

5. A perusal of the material on record comprising of the complaint, FIR, charge sheet material, statement of witness, documents and etc., will clearly indicate that the same do not



disclose the commission of the alleged offences. Under these circumstances, I am of the considered view that continuation of the impugned proceedings would amount to abuse of process of law warranting interference of this Court in the present petition.

6. Accordingly, I proceed to pass the following:

ORDER

- i) The petition is hereby ***allowed***.
- ii) The impugned proceedings in C.C.No.58/2024 arising out of Crime No.63/2023 on the file of Senior Civil Judge and JMFC, Mudigere insofar as the petitioners are concerned are hereby quashed.

Sd/-  
(S.R.KRISHNA KUMAR)  
JUDGE