



NC: 2026:KHC:17593
CRL.P No. 9155 of 2024
C/W CRL.P No. 11520 of 2023
CRL.P No. 9150 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

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

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

C/W

CRIMINAL PETITION NO. 11520 OF 2023

CRIMINAL PETITION NO. 9150 OF 2024

IN CRL.P No. 9155/2024

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 SMT. SAIMA FATHIMA, ADVOCATE FOR
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



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2. MAHESHA B. C.
S/O CHENNEGOWDA,
AGED ABOUT 57 YEARS,
R/AT SARAGODU VILLAGE,
KHANDYA HOBLI,
CHIKKAMAGALURU,
KARNATAKA – 577 124

...RESPONDENTS

(BY SRI. DIVAKAR MADDUR, HCGP FOR R1;
SRI. SHIVAPRASAD SHANTHANAGOUDAR, ADV. FOR R2)

THIS CRL.P 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 HONBLE SENIOR CIVIL
JUDGE AND JMFC MUDIGERE COURT, WHICH IS ARISING OUT OF
CR.NO.63/2023 OF GONEBEEDU POLICE STATION,
CHICKMAGALURU FOR OFFENCE P/U/S 341, 504, 506 R/W 34 OF
IPC AS AN ABUSE OF PROCESS OF LAW.

IN CRL.P NO. 11520/2023

BETWEEN:

1. B. C. MAHESH
S/O CHINNEGOWDA B. S.,
AGED ABOUT 58 YEARS,
SAARAGODU, KUNDHURU,
MUDIGERE TALUK,
CHIKKAMAGALURU – 560 089
2. SARVAOTTHAM
S/O B. C. MAHESH,
AGED ABOUT 32 YEARS,
SAARAGODU, KUNDHURU,
MUDIGERE TALUK,
CHIKKAMAGALURU – 560 089

...PETITIONERS

(BY SRI. HARSHA VEERANGOUDRA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY GONIBEEDU PS,
REPRESENTED BY STATE PUBLIC PROSECUTOR,



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HIGH COURT BUILDING,
BENGALURU – 560 001

2. RASHIDHA BHANU
W/O MOHAMMED MURTHUJA
AGED ABOUT 39 YEARS,
JAHARA ESTATE, GONIBEEDU HOBLI,
MUDIGERE TALUK,
CHIKKAMAGALURU – 577 312

...RESPONDENTS

(BY SRI. DIVAKAR MADDUR, HCGP FOR R1;
SMT. SAIMA FATHIMA, ADVOCATE FOR
SRI. KALEEM SABIR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH
THE ENTIRE PROCEEDINGS IN CR.NO.62/2023 ON THE FILE OF
THE ADDITIONAL CIVIL JUDGE (SR.DN) AND C.J.M COURT
MUDIGERE, CHIKKAMAGALURU DISTRICT REGISTERED FOR THE
OFFENCE P/U/S 323,324,504,506,447 AND 34 OF IPC.

IN CRL.P NO. 9150/2024

BETWEEN:

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

...PETITIONERS

(BY SMT. SAIMA FATHIMA, ADVOCATE FOR
SRI. KALEEM SABIR.,ADVOCATE)



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AND:

1. STATE OF KARNATAKA BY
GONIBEEDU POLICE
CHICKMAGALURU – 577 550
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU – 560 029
2. MAHESHA B. C.
S/O CHENNEGOWDA
AGED ABOUT 58 YEARS,
RESIDING AT SARAGODU VILLAGE
KUNDUR POST,
KHANDYA HOBLI,
CHIKKAMAGALURU DISTRICT
KARNATAKA PIN – 577 124

...RESPONDENTS

(BY SRI. DIVAKAR MADDUR, HCGP FOR R1;
SRI. SHIVAPRASAD SHANTHANAGOUDAR, ADV. FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS)
PRAYING TO QUASH THE PROCEEDINGS INITIATED AGAINST HIM
IN C.C.NO.74/2024 ON THE FILE OF THE HON'BLE SENIOR CIVIL
JUDGE AND J.M.F.C MUDIGERE COURT, WHICH IS ARISING OUT
OF CRIME NO. 69/2023 OF GONIBEEDU P.S. CHIKKAMAGALURU
FOR OFFENCE P/U/S 341,504,506 R/W 34 OF IPC AS AN ABUSE OF
PROCESS OF LAW.

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

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

ORAL ORDER

In Crl.P.No.9155/2024, 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*



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Judge and J.M.F.C. Mudigere Court, which is arising out of Crime No.63/2023 of Gonibeedu Police Station, Chickamagaluru for the offences under Sections 341, 504, 506 r/w 34 of I.P.C. 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. In CrI.P.No.11520/2023, petitioners seek for the following relief:-

"Wherefore, the Petitioner prays that this Honorable court may be pleased to Quash the entire proceedings in Crime No.0062/2023 on the file of Addl. Civil Judge (Sr.Dn.) & CJM Court, Mudigere, Chickmagaluru District, registered for the offences punishable under Sections 323, 324, 504, 506, 447 and 34 of IPC and grant such other and further relief's as this Honorable court deems fit and proper under the circumstances of this case, in the interest of justice and equity."

3. In CrI.P.No.9150/2024, petitioners seek for the following reliefs:-

"(a) Quash the entire proceedings initiated against him in C.C.No.74/2024 on the file of the Hon'ble Senior Civil Judge and J.M.F.C., Mudigere Court, Which is arising out of Crime



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No.69/2023 of Gonibeedu Police Station, Chickmagaluru for offences under Sections 341, 504, 506 r/w 34 of I.P.C. 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."

4. Heard learned counsel for the parties and perused the material on record.

5. A perusal of the material on record will indicate that petitioners in Crl.P.Nos.9155/2024, 11520/2023 and 9150/2024 are accused Nos.1 and 2 in C.C.No.58/2024, Crime No.62/2023 and C.C.No.74/2024 respectively, initiated pursuant to the complaint given by respondent No.2 – Defacto complainants – Mahesh B.C., Rashidha Bhanu and Mahesh B.C respectively.

6. It is also a matter of record and undisputed fact that the petitioner No.1 in Crl.P.Nos.9155/2024 and 9150/2024 – Mahammed Murthuja and his wife Rashida Banu filed complaint against B.C.Mahesh and Sarvoattham, S/o B.C. Mahesh, which are currently pending in C.C.Nos.58/2024 and 74/2024. All the three aforesaid cases are in relation to an incident that is said to have occurred on 25.09.2023 and 12.10.2023 in respect of a property



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dispute, which is predominantly, essentially and overwhelmingly of a civil nature / character which is sought to be given a criminal colour / flavour, which is impermissible in law as held by the Apex Court and this Court in several judgments including the case of ***Lalith Chaturvedi & others vs. State of U.P. & Anr. – 2024 SCC OnLine SC 171*** and ***Naresh Kumar & others vs. State of Karnataka – 2024 INSC 196***. In view of the aforesaid facts and circumstances, having regard to the allegations and counter allegations leading to the complaints and counter complaint given by the complainants and accused against one another in both the cases, I am of the considered opinion that continuation of all the three impugned proceedings against each other would amount to abuse of process of law warranting interference of this Court and the same deserve to be quashed.

5. In the result, I pass the following:-

ORDER

(i) Crl.P.Nos.9155/2024, 11520/2023 and 9150/2024 are hereby ***allowed***.

(ii) In Crl.P.No.9155/2024, the impugned proceedings in C.C.No.58/2024 arising out of Crime No.63/2023 registered by the 1st respondent – Police,



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on the file of Senior Civil Judge and JMFC, Mudigere Court, for offences punishable under Sections 341, 504, 506 read with Section 34 of IPC are hereby quashed.

(iii) In CrI.P.No.11520/2023, the impugned proceedings in Crime No.62/2023 registered by the 1st respondent – Police, on the file of Additional Civil Judge (Sr.Dn) And CJM Court, Mudigere, Chickmagalur District, for offences punishable under Sections 323, 324, 504, 506, 447 read with Section 34 are hereby quashed.

(iv) In CrI.P.No.9150/2024, the impugned proceedings in C.C.No.74/2024 arising out of Crime No.69/2023 registered by the 1st respondent – Police, on the file of Senior Civil Judge and JMFC, Mudigere Court, for offences punishable under Sections 341, 504, 506 read with Section 34 of IPC are hereby quashed.

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