



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201890 OF 2025

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. IRFAN ALI S/O. WAHEED ALI K.K
AGED ABOUT 36 YEARS,
OCC. AGRICULTURE ADMINISTRATOR,
R/AT NEAR UKKADA POLICE STATION
KADECHUR,
TQ AND DIST YADGIRI-585201.
2. MAHESH PATIL S/O HEMAREDDY
AGED ABOUT 46 YEARS,
OCC. VILLAGE ACCOUNTANT KURDI HOBLI
NOW WORKING AT TAHASIL OFFICE MANVI,
R/AT DUGANOR VILLAGE,
TQ AND DIST RAICHUR-584101.

...PETITIONERS

(BY SRI BASAVARAJ C. JAKA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH MANVI POLICE STATION
DIST. RAICHUR-584123.
NEW REPRESENTED BY ADDL SPP
HIGH COURT KARNATAKA
KALABURAGI BENCH-585107.
2. SRI YALLESH
S/O BHEEMAYYA @ YARAYYA
AGE 43 YEARS, OCC. COOLIE,
R/AT AROLI VILLAGE, TQ MANVI,

Digitally signed
by SHIVALEELA
DATTATRAYA
UDAGI

Location: HIGH
COURT OF
KARNATAKA



DIST. RAICHUR-584 123.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
R2 SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION AND QUASH THE PROCEEDINGS IN SPL.(AC).NO.482/2024 PENDING ON THE FILE OF I ADDL. SESSIONS JUDGE AT RAICHUR, ARISING OUT OF IN CRIME NO.169/2024, REGISTERED BY THE 1ST RESPONDENT MANVI POLICE STATION, DIST-RAICHUR, AGAINST THE PETITIONERS AND FILED CHARGE SHEET FOR THE OFFENCES P/U/S 409, 420 OF IPC AND SEC. 3(1)(g), 3(2)(va) OF SC/ST PA ACT AGAINST PETITIONER NO.1 AND U/S 409, 420, 504 R/W 34 OF IPC AND SEC.3(1)(r), 3(1)(s), 3(1)(g), 3(2)(va) OF SC/ST PA ACT AGAINST 2ND PETITIONER, TO SECURE THE ENDS OF JUSTICE AND TO PREVENT ABUSE OF PROCESS OF THE Court.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This criminal petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the proceedings against the petitioners in Spl.(AC)No.482/2024 (arising out of Crime No.169/2024 registered by Manvi Police Station, Raichur), on the file of I-Addl. Sessions Judge, Raichur, for the offences



punishable under Sections 409, 420, 504, 34 of IPC and Sections 3(1)(r) (s), 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

2. The factual matrix of the case is that, on 17.03.1995 Dr.B.R.Ambedkar Development Board has allotted 2 acres of land in Sy.No.104/*/14 situated at Kuradi village in the name of mother of the complainant. On the basis of same, the revenue records were entered in her name and since from the allotment, she was in possession and cultivation of the same.

3. On 13.09.2022, accused No.1 (as per charge-sheet) one Bajaramma filed an application before accused Nos.2 and 3 i.e. petitioners herein, i.e. they are Revenue Inspector and Village Accountant respectively, for change of khata of the said property in the revenue records. Accordingly, her name was entered in the revenue records.



4. Subsequently, accused No.1-Bajaramma came to know that the land was wrongly mutated in her name. Therefore, she orally approached the revenue authority for cancellation of the mutation entry. Then, authorities suggested that they are not having authority to cancel the same and advised her to approach the Assistant Commissioner for cancellation of the mutation.

5. Therefore, on 16.11.2022 accused No.1-Bajaramma filed an application before the Assistant Commissioner to cancel the mutation entry. But no order has been passed by the Assistant Commissioner on the application and the Name of accused No.1 continued in the revenue records.

6. Later, the complainant came to know about the wrong entry of mutation in the name of accused No.1 and immediately complainant approached and requested Tahsildar, Manvi and Revenue Inspector to restore his mother's name in the revenue records. But, none of them responded.



7. It is further alleged that on 20.07.2024 at about 12:45 p.m. the complainant went to rented room of accused No.3 to enquire about the mutation, at that time, accused No.3 abused the complainant by taking the name of his caste and pushed him by holding his shirt. Thereafter, the complainant lodged the complaint against petitioners and accused No.1. Based on the complaint, the respondent-police registered the case in Crime No.169/2024 for the aforementioned offences. Thereafter, the respondent-police investigated the case and laid charge-sheet against the accused persons by arraying the petitioners as accused Nos.2 and 3. Learned Magistrate took the cognizance of the offence. Being aggrieved by the same, the present petition.

8. Heard learned counsel for the petitioners and the learned High Court Government Pleader for respondent No.1-State. Respondent No.2 though served, unrepresented.



9. Apart from urging several contentions, the learned counsel for the petitioners primarily contented that petitioners No.1 is the Revenue Inspector and petitioner No.2 is the Village Accountant and they were nowhere connected to the alleged incident. According to the learned counsel, accused No.1 was wrongly filed an application to enter her name in the revenue records in respect of land belongs to the complainant's mother and subsequently she filed an application to rectify the same. At that time, it was suggested by accused Nos.2 and 3 to approach the Assistant Commissioner by filing an appeal, since that power was vested with them. Despite a false complaint has been lodged against these petitioners under the provisions of SC/ST Act. Hence, he prays to allow the petition.

10. *Per contra*, learned High Court Government Pleader opposed the prayer on the ground that now that charge-sheet has been laid against the petitioners and



there are statements of witnesses available on record for the act committed by these petitioners.

11. As could be gathered from the records, in respect to the land bearing Sy.No.104/*/14 situated at Kuradi village, though allotted in the name of complainant's mother and when she was in possession, mistakenly accused No.1 filed an application for change of khata in her name. Based on the application, accused Nos.2 and 3 changed the khata. Later, accused No.1 filed an application to rectify the mistake. However, it was informed by accused Nos.2 and 3 that she has to approach the Assistant Commissioner and accordingly she filed an appeal before the Assistant Commissioner. The said appeal was allowed and the mistake was rectified by re-entering the name of complainant's mother.

12. The allegation against these petitioners is that they being the Revenue Inspector and Village Accountant abused the complainant by mentioning his caste name in a room. As such, it is clear that the alleged offence



committed not in the public view or any place within the public view.

13. The Hon'ble Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand and Another*** reported in ***(2020) 10 SCC 710*** held that the offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the Society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or



harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that respondent No.2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent No.2 is member of Scheduled Caste.

14. Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as ***Swaran Singh & Ors. v. State through Standing Counsel & Ors.*** The Court had drawn distinction between the expression "public place" and "in any place within public view". It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly



be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view.

The Court held as under:

"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a "chamar") when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies."



15. It is admitted case of the complainant that accused No.3 was abused him by mentioning his caste name in the room. When only both were there in the room, as per allegation against accused No.2 that, he mistakenly changed the mutation entry in the name of accused No.1 based on the application and subsequently, accused No.1 in turn filed an application to rectify the mistake. In such circumstances, there are no offences made out against the petitioners for the offence they have charged. The entire allegations taken on its face value also, no offence made out against the petitioners, who are accused Nos.2 and 3. In such circumstances, the continuation of the proceedings against these petitioners is nothing but abuse of the process of Court.

16. Accordingly, the petition is ***allowed.***

17. The proceedings against the petitioners-accused Nos.2 and 3 in Spl.(AC) No.482/2024 pending on the file of I-Addl. Sessions Judge, Raichur, arising out of Crime



NC: 2026:KHC-K:918
CRL.P No. 201890 of 2025

No.169/2024 registered by Manvi Police Station, Raichur,
is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SDU
LIST NO.: 1 SL NO.: 34
Ct;ry