

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH, DHARAWAD

Dated the 21st day of April 2011

: B E F O R E :

HON'BLE MR.JUSTICE : V.JAGANNATHAN

CRIMINAL PETITION No. 10457 / 2011

BETWEEN :

M.R.Parmeshwar,
Age: 56 years, Occ: Head Cook,
ESI Hospital, R/o Quarters No.9,
Ashoknagara, Belgaum,
Taluk & District: Belgaum.

...Petitioner

(By Sri Santosh B.Malagoudar, Advocate.)

A N D :

1. The State of Karnataka,
through PSI, Shahapura Police Station,
rept. by SPP, SPP Office,
Circuit Bench, Dharawad.
2. Smt. Shanta,
W/o Maruti Nesarkar,
Age: 70, Occ: Agriculture,
R/o House No.151, Math Galli, Hosur,
Taluk & District: Belgaum.
(Alleged resident of S.No.41,
R/o Khasbag Belgaum.)

...Respondents

(By Sri Anand K.Navalgimath, HCGP for R-1.)

Criminal Petition filed under Section 482 of the Cr.P.C. praying to quash the FIR and complaint in Shahapura Police Station Crime No. 4/2011 dated 11.1.2001 registered for the offences punishable under Sections 354, 323, 452, 504 and 506 of the I.P.C.

This petition coming on for admission this day, the court made the following :

O R D E R

Heard the learned counsel for the petitioner and the learned Government Pleader for R-1 State.

2. The petitioner is before this court praying for quashing of the proceedings initiated in the complaint registered in Crime No. 4/2011 in respect of the offences punishable under Sections 354, 323, 452, 504 and 506 of the I.P.C.

3. The case of the complainant in short is that, the petitioner was measuring the land in S.No. 41 of Khasbag, Belgaum, and the complainant came there and picked up quarrel with him and this petitioner forcibly entered the house of the complainant and



assaulted the complainant's daughter-in-law on her cheek, abused her and pulled her by catching hold of her hair and brought her outside the house and also threatened to kill her.

4. The learned counsel for the petitioner submits that the petitioner is working as a cook in the E.S.I. Hospital and his duty timings are from 6.00 a.m. to 6.30 a.m., 12.00 noon to 12.30 p.m., 3.00 p.m. to 3.30 p.m. and 6.30 p.m. to 7.00 p.m. and, therefore, this petitioner was not present when the alleged incident took place.

5. To substantiate the above submission, no document is produced to show that, on the date of the incident and at the time and place mentioned in the complaint, the petitioner was, in fact, present in the office on duty. Therefore, at this stage, the complaint allegations indicate the presence of necessary ingredients in respect of the offences alleged. As such, this court cannot interfere under Section 482 of the Cr.P.C.



6. The petition, therefore, is dismissed. However, the petitioner is at liberty to take the above contentions before the trial court and seek for discharge. If the petitioner files an application for discharge, the same shall be considered by the trial court on merits independently of the above observations.

**Sd/-
JUDGE**

ckc/-