

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

DATED THIS THE 28<sup>TH</sup> DAY OF FEBRUARY, 2018

BEFORE

THE HON'BLE MR.JUSTICE BUDIHAL R.B.

**CRIMINAL PETITION NO.8948/2017**

**BETWEEN:**

1. NATARAJAN IYER  
S/O VENKATARAMANA GANAPATHI IYER  
AGED ABOUT 40 YEARS
2. VENKATARAMAN GANAPATHI IYER  
S/O LATE GANAPATHI IYER  
AGED ABOUT 75 YEARS

BOTH ARE R/AT  
R/A #123(52/34), GURU KRUPA  
1<sup>ST</sup> CROSS, OLD POST OFFICE ROAD  
MARUTHINAGARA  
MADIWALA NEW EXTENSION  
BENGALURU-560068

**... PETITIONERS**

(BY SRI NANJUNDA SWAMY. ADV.)

**AND:**

1. STATE OF KARNATAKA BY  
MADIWALA POLICE STATION  
BENGALURU-560068  
REP. BY ITS PLEADER  
HIGH COURT OF KARNATAKA  
BENGALURU-560001

2. SMT. MARY AGNES  
 D/O LATE JOHANNES  
 AGED ABOUT 75 YEARS  
 R/A #18, 1<sup>ST</sup> CROSS  
 MARUTHI NAGAR  
 BENGALURU-560068

**... RESPONDENTS**

(BY SRI S RACHAIAH, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C. PRAYING TO QUASH THE FIR PENDING ON THE FILE OF THE LEARNED III ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BANGALORE IN CR.NO.393/2017 OF MADIVALA POLICE STATION P/U/S 506,341,504 R/W 34 OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

This petition is filed by the petitioners/accused Nos.1 and 2 under Section 482 of Cr.P.C. praying the Court to quash the proceedings initiated and now pending before III Addl. Chief Metropolitan Magistrate Bengaluru, in Crime No.393/2017 registered by the respondent Police for the alleged offences under Sections 506, 341, 504 read with 34 of IPC.

2. Heard the arguments of the learned counsel appearing for the petitioners/accused and also the learned High Court Government Pleader appearing for the respondent-State.

3. Learned counsel for the petitioners drew the attention of this Court to the contents of the complaint and other materials on the side of prosecution and submitted that there is no prima-facie case as against the petitioners, false allegations have been made that the petitioners have demolished the compound wall of the house of the complainant. He also submitted that the photograph produced shows that there is no such compound wall, therefore, the complaint filed by the complainant is the abuse of process of the Court and it is filed with malafide intention against the petitioners. Hence, submitted that matter requires consideration.

4. Per contra, learned High Court Government Pleader, referring to the contents of the complaint submitted that in the complaint there is specific allegation against the petitioners that they tried to demolish the compound wall and abused and posed life threat to the complainant. He also submitted that the matter is still under investigation and when there are specific allegations against the petitioners of the alleged offences, the matter cannot be quashed by invoking Section 482 of Cr.P.C.

5. I have perused the grounds urged in the petition, FIR, complaint and other documents produced by the learned counsel for the petitioners.

6. Perusing the contents of the complaint, it is rightly submitted by the learned HCGP that there are allegations against the petitioners of the alleged offence, but regarding the contention that false allegations are

made in the complaint, the matter is still under investigation, Investigating Officer has to complete the investigation and to file the final report in the matter. Therefore, at this stage, looking into the allegations made in the complaint and as the matter is at premature stage, as the final report is yet to be filed by the prosecution, I am of the opinion that the proceedings cannot be quashed. Hence, the petition is hereby ***rejected*** with the liberty to the petitioners to challenge the proceedings after completion of investigation and filing of final report in the matter, if they so desire.

**Sd/-  
JUDGE**

BSR