

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF JULY 2018

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION NO.7674 OF 2013

BETWEEN:

1. HARICHARAN  
S/O K R RAMAMURTHY  
AGED ABOUT 33 YEARS

2. GURUCHARAN  
S/O K R RAMAMURTHY  
AGED ABOUT 31 YEARS

BOTH PETITIONERS R/A NO.33,  
'SREE HARI NIVAS'  
PIPELINE MAIN ROAD  
(DATTATREYA TEMPLE STREET)  
MALLESWARAM  
BANGALORE-560003.

... PETITIONERS

(BY SRI: H C SHIVARAMU, ADVOCATE)

AND

1. STATE OF KARNATAKA  
BY SHESHADRIPURAM POLICE  
REPRESENTED BY STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
BANGALORE-560001

2. SMT.RAJAMMA  
W/O. SRINIVAS,  
AGED ABOUT 56 YEARS,

R/AT NO.34,  
DATTATRAYA TEMPLE ROAD,  
PIPELINE ROAD,  
MALLESHWARAM,  
BENGALURU-560003.

... RESPONDENTS

(BY SRI: S.RACHIAH, HCGP FOR R1  
SRI: B.N.GOPALAKRISHNA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S. 482 CR.P.C PRAYING TO SET  
ASIDE THE COGNIZANCE TAKEN BY THE VIII ADDL.C.M.M.,  
BANGALORE IN C.C.NO.4314/13 BY ITS ORDER DATED:13.3.13  
SO FOR AS CONCERNED TO PETR. NO.1 AND 2.

THIS CRL.P COMING ON FOR ADMISSION THIS DAY, THE  
COURT MADE THE FOLLOWING:-

### **ORDER**

The petitioners have sought to quash the charge sheet laid  
against them for the offences punishable under sections 143,  
147, 504, 509, 506, 354 r/w 149 Indian Penal Code.

Heard the learned counsel for the petitioners and the  
learned HCGP for respondent No.1 and learned counsel for  
respondent No.2.

2. Learned counsel for the petitioners' submits that the  
allegations made against the petitioners are false and ulteriorly  
motivated. All the witnesses cited by the prosecution are  
interested witnesses. There was property dispute between the

parties. The Investigating Officer has yielded to the influence of the police constable who is the brother of the complainant.

3. The above contentions in my view, cannot be a ground to quash the proceedings. The allegations made in the FIR as well as the substance of the accusations contained in the charge sheet clearly make out the ingredients of the offences charged against the petitioners. The said allegations are sought to be substantiated by the statement of the witnesses as well as the surrounding circumstances. Therefore, it cannot be said that the proceedings initiated against the petitioners are false or abuse of the process of the court. Hence, I do not find any justifiable reason to admit the petition. Accordingly, criminal petition is dismissed at the admission stage itself. Since the matter is pending since 2013, the trial court is directed to expedite the trial.

Sd/-  
JUDGE

\*mn/-