



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 8897 OF 2023 (482(Cr.PC) /
528(BNSS))

BETWEEN:

MR. ANUMANDALA RAJESH REDDY
S/O A PRABHAKAR REDDY,
AGED ABOUT 33 YEARS,
R/AT 2-1-94, SARASWATHI NAGAR,
HANMAKONDA, WARANGAL,
TELANGANA-506 001.

...PETITIONER

(BY SRI. RAMAKRISHNA SRINIVASAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CHANNAPATNA EAST PS
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BENGALURU-560 001.
2. MR. PRAKASH
S/O KECHAPPA GOWDA,
AGED ABOUT 39 YEARS OLD,
R/AT HOUSING BOARD,
2ND CROSS, CHANNAPATNA TOWN,
RAMANAGARA DISTRICT,
KARNATAKA-571 234.

...RESPONDENTS

(BY MS. ASMA KOUSER, ADDL. SPP FOR R-1;
R-2 SERVED)





THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO 1) SET ASIDE THE ORDER TAKING COGNIZANCE DATED 09.07.2021 BY THE ADDL. CIVIL JUDGE AND JMFC, CHANNAPATNA, WHICH IS AFFIXED HEREWITH AS ANNEXURE-D FOR THE OFFENCES PUNISHABLE UNDER SECTION 353 AND 504 OF THE INDIAN PENAL CODE, 1860; 2) QUASH THE FIR DATED 04.11.2020 AND CHARGE SHEET DATED 10.06.2021 IN CRIME NO.103/2020, WHICH IS AFFIXED HEREWITH AS ANNEXURE-B AND ANNEXURE-C RESPECTIVELY, FOR THE OFFENCES PUNISHABLE UNDER SECTION 353 AND 504 OF INDIAN PENAL CODE, 1860, PENDING BEFORE THE I ADDL. CIVIL JUDGE AND JMFC, CHANNAPATNA; 3) QUASH ALL OTHER PROCEEDINGS IN C.C.NO.1199/2021, FOR THE OFFENCES PUNISHABLE UNDER SECTION 353 AND 504 OF INDIAN PENAL CODE, 1860, PENDING BEFORE THE ADDL. CIVIL JUDGE AND JMFC, CHANNAPATNA.

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

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

The proceedings initiated against the petitioner in CC No.1199/2021 on the file of the Court of Additional Civil Judge and JMFC, Channapatna, for offence punishable



under Section 353 and 504 IPC are challenged in this petition.

2. It is the case of prosecution that on 4.11.2020 at about 4.30 p.m., when the complainant/PSI of Channapatna East Police Station and his staff were trying to apprehend the petitioner/accused in connection with a case registered in Cr.No.102/2020 of their police station, the petitioner herein abused them in filthy language and tried to assault them and thereby obstructed them from discharging their duties.

3. FIR in Cr.No.103/2020 was registered at Channapatna East Police Station against the petitioner for the offence under Section 353 and 504 IPC and after investigation, charge sheet was filed.

4. Section 353 of IPC reads as under:

"Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter



that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person to the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

5. In the complaint, vague allegations are made that the accused abused the complainant and other police officials in filthy language and tried to assault them in order to escape and thereby obstructed them from discharging their duties as a public servant. It is not stated as to the exact words spoken by the petitioner to abuse the complainant and other police officials and the use of criminal force. It is not the case of prosecution that the petitioner escaped after trying to assault the complainant and other police officials or caused any injuries to the police. It is not stated in the complaint the nature of abusive language used by the accused. The allegations are vague in nature. Further, mere use of



abusive language would not by itself attract the ingredients of Section 504 IPC.

6. Learned counsel for the petitioner has contended that insofar as Cr.No.102/2020 registered at Channapatna East Police Station is concerned, the police have filed a 'B' report. The said submission is not disputed.

7. Having perused the entire material on record, this Court is of the considered view that the averments in the complaint if taken on its face value does not fulfill the ingredients of the offence alleged and therefore, the petition deserves to be allowed. Accordingly, the following:

ORDER

- i. Petition is **allowed**.
- ii. The entire proceedings in CC No.1199/2021 pending before the Court of the Additional Civil Judge and



JMFC, Channapatna, arising out of Cr.No.103/2020 of Channapatna East Police Station are **quashed**.

iii. Pending I.As., if any, shall stand disposed of.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

TL
List No.: 1 Sl No.: 31
Ct:ar