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R Vijay vs the State of Karnataka

R Vijay vs the State of Karnataka

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Court : Karnataka

Decided On : Aug-29-2025

Judge : S.R.Krishna Kumar

Appeal No. : CRL.P/11269/2025

Appellant : R Vijay

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST 2025 BEFORE THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR CRIMINAL PETITION NO. 11269 OF 2025 (482(Cr.PC) / 528(BNSS)-) BETWEEN: R VIJAY, S/O RAJAPPA, OCC POLICE SUB INSPECTOR., AGED ABOUT 42 YEARS, CHIKKABALLAPUR DISTRICT POLICE, R/AT NO 129, BIKKAHALLI, SAJAPURA, HANDENHALLI, BENGALURU 562 125 PETITIONER (BY SRI. BHADRAVADI SIDDESWARA.,ADVOCATE)

AND: Digitally signed by SAMREEN AYUB 1. THE STATE OF KARNATAKA DESHNUR Location: HIGH BY SHIDLAGHATTA RURAL PS, COURT OF

KARNATAKA CHICKBALLAPURA-562105. DHARWAD BENCH (REP BY THE SPP, HIGH COURT PREMISES, Date: 2025.09.02 17:36:27 +0530 BENGALURU)

2. ANANDA KUMAR, CPI, SHIDLAGHATTA CIRCLE, CHICKBALLAPURA-562105, RESPONDENTS (BY SRI. RAHUL RAI, HCGP FOR R1 & R2) THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH -2-

THE CHARGE SHEET IN CC NO.434/2023 ARISING OUT OF CRIME NO.104/2019 OF SIDLAGHATTA PS FOR THE OFFENCES P/U/S 143, 167, 120B, 149, 342 OF IPC AND U/S 86, 87 OF KF ACT AND PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND JMFC, SHIDLAGHATTA AND FURTHER BE PLEASED TO QUASH THE ENTIRE PROCEEDINGS PENDING AGAINST HIM IN THE ABOVE MATTER.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks following reliefs:

> Wherefore, the petitioner in the above case most humbly prays this Honble court be pleased to quash the charge sheet in C.C. No.434/2023 arising out of Crime No.104/2019 of Shidlaghatta P.S. for the offences punishable u/s 143, 167, 120B, 149, 342 of IPC and u/s 86, 87 of KF Act, and pending on the file of the Prl. Civil Judge & JMFC, Shidlaghatta and further be pleased to quash the entire proceedings pending against him in the above matter, to meet the ends of justice.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondents and perused the material on record. -3-

3. A perusal of the material on record will indicate

that one Madangopal filed a complaint dated 07.10.2018 registered in FIR in Crime No.196/2018 against the petitioner and other accused persons for the alleged offences punishable under Sections 341, 342, 365, 506, 120B read with Section 34 of the Indian Penal Code, 1860, and under Sections 3(2)(ii), 3(2)(vi) and 3(2)(vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. After investigation, the 1st respondent-police filed a charge sheet which was being prosecuted in Spl.C.C. No.399/2019 before the special Court. The petitioner, who was arraigned as accused No.4 in the said Spl. C.C. No.399/2019, along with other accused persons, sought for discharge by filing an application under Section 227 of the Code of Criminal Procedure, and the same was allowed by the Trial Court vide

order dated 25.10.2024, which reads as under:

> ORDER ON APPLICATION FILED BY ACCUSED UNDER SECTION 227 OF CR.P.C. This application is filed by accused Nos.1 and 2 seeking discharge under Section 227 of Cr.P.C., for the offences punishable under Sections 341, 342, 365, 506, 120(B) r/w.34 of IPC and Sec.3(2)(ii),3(2)(vi), 3(2)(vii) of Scheduled Castes & Scheduled Tribes (POA) Act 1989. -4-

2. The accused Nos.1 and 2 submit that the

> complainant have got registered present case in Cr.No.196/2018. The complainant has been residing at Sy.No.46/1, Bandepalya, Bengaluru along with his wife and 3 children, during 1979 he got purchased the said land measuring 2 acres 27 guntas from his maternal uncle Goopalli of Tamil Nadu the Sy.No.46/1, wherein the complainant owning 8 cows, 4 calves and doing milk vending business for his livelihood. On 5.10.2018 at about 7.30 a.m. C.W1/complainant left his house on his bicycle to sell milk to his regular customers at HSR Layout area, when he was moving in front of KCDC Gate, some unknown four assailants accosting with

themselves, when C.W.1 went near them, they caught hold of him and forcibly took him in their car and they not allowed him to speak, went towards Marathahalli and stopped for a while near a Farm, then proceeded towards K.R.Puram, then towards Kolar police station, at about 4.00 p.m the car was stopped near Ganesha Temple, Chintamani road and got him down, freed and threatened him with dire consequences. Hence, the complaint for legal action.

3. The informant Madangopal not disclosed his caste

as Adi Dravida. He also not disclosed physical features of the four unknown assailants and the register number of car. Further delay of 2 days informing police regarding the alleged abduction. He never raised hue and cry in the car and did not disclosed his abduction to any public in -5-

the spot nor jurisdictional police, though he met one person Manju, he could not take his assistance, nor immediately he informed whereabouts to his own son Chandramouli, he could not also inform Bandepalya police. The accused also abducted mentioned his abduction/CW1 as on 8.11.2018 and foisted false case against CW1and sent him to jail at Shidlaghatta Rural police and before JMFC Shidlaghatta. The charge column reads thus accused Nos.1 to 10 are belongs to upper caste, the accused Nos. 1 to 5 conspired together to fix CW.1in criminal case and sent him to jail implicating, and designed that later accused No.1 can have clear civil litigation over land. The accused Nos. 1 and 2 paid some money to accused Nos.3 to 5 for this contract crime. The accused Nos.3 to 10 kidnapped CW.1 on 5.10.2018 at 7.30 am and also on 8.11.2018 at 5.30 pm. Per contra, since from 2006 accused No.1 had been in physical possession and enjoyment of the property bearing Sy/No.46/1purchased under registered sale deed, BBMP B Katha and having upto date tax paid receipts. The final report submitted by ACP before this Court for the said sections. No bifurcation of charges under section IPC or under section SC/ST (PA) Act 1989. The prima facie case made out by the Investigating Officer is itself suffice to discharge the accused Nos. 1 and

2 from the case. It is either the complainant or the eye witnesses shall pointed out the place of occurrence to Investigating Officer. Such being the case entire version introduced and project by the Investigating Officer is highly improbable and filmsy -6-

story. Hence prayed to discharge the accused Nos. 1 and 2 from the present case.

4. The learned SPP filed objections submitting that the

accused contentions cannot be considered since crime has been registered and admittedly there is O.S.No.3815/2014 wherein C.W.1 has been falsely implicated and he has been put behind bars is evident from record. Moreover it has been seized by the Investigating Officer with regard to the vehicle as on 5.10.2018 victim was taken another car Maroon colour Hundi Getz Car bearing No.KA-40-M-1494 wherein the vehicle has been seized on his voluntary statement. In fact victim has been abducted to Chinthamani Sidlaghatta near "H" Cross, then he has been left therein by giving threat. Therefore the abduction of the victim for the second time on 7.11.2018 is established in the same car he has been abducted once again at about 5.30 pm from Hosapalya road while victim was returning alongwith his cattle he has been taken in the car by the accused persons only to escape from the clutches of law victim has been falsely implicated in various offences of Hanumanthapura village Sy.No.19 wherein accused has cut sandal wood. Therefore these matters are to be established only through evidence during the course of cross examination the question of discharge does not arise, whatever may be the defence. In fact the prosecution is to be shown there is material to discharge only based on the materials of prosecution rather the -7-

contentions raised by the defence cannot be considered. Accordingly by relying on citations namely: 1.(2005) I Supreme Court Cases 568 State of Orissa Vs. Debendra Nath Padhi.

2. (2008) 2 Supreme Court Cases 561 Onkar Nath Mishra & Ors., Vs. State (NCT of Delhi) & Anr.,

3. (2014) 11 Supreme Court Cases 709 (State of Tamil Nadu Vs. Suresh Rajan & Ors). Accordingly, seeks to reject the application filed by the accused Nos. 1 and 2.

5. Heard the arguments of both sides and perused the records. The following points arise for my consideration; POINTS

1. Whether the accused persons are entitled for discharge u/s.227 of Cr.P.C..?

2. What Order?

6. My answers to the above points are: Point No.1: In the Affirmative

Point No.2: As per final order

for the following; REASONS

7. POINT NO.1: The learned counsel for the accused

submits that as per the complaint, the date of incident is 7.10.2018. However in page-22 of the charge sheet on 14.12.2018 the same has been mentioned before the jurisdictional police about the abduction by the -8-

> complainant. In fact C.W.28 statement is recorded. As per Rule 9 of SC/ST (POA) Rules 1995, the investigation has not been completed within 2 months from the date of report of the incident. The C.W.28 Shivappa has recorded statement of the complainant only on 14.1.2018 after lapse of 2 months. In fact as per the mention in the complaint, the property is 27 guntas. In fact complaint has been only made after 2 months against known persons. However as per the report made by the son of the victim unknown persons have abducted his father. In fact the car of the accused No.2 is seized subsequently. The car of the accused No.2 is silky silver car which is seized on 9.2.2019 under P.F.No.

10/2019 which is a white car but it is not a maroon car. In fact the PSI has seized the vehicle, as on 9.10.2018 as per page-30, investigation has been taken by the Sub Inspector, Bandepalya who mentions that the victim had come to the police station on 7.10.2018 at about 6.30 p.m and the complaint lodged on 5.10.2018 about at 8.30 a.m while victim was taking the milk in his can on a bicycle near KCDC Nursery Gate, some unknown persons have abducted the victim. However the Investigating Officer came to know Cr.No.306/2018 has been registered against the victim in Sidlaghatta Rural police station as per sec.379 of IPC and sec.86, 87 and 88 of Forest Act and he was under judicial custody. As such he requested to give permission to record statement of the complainant and he has also recorded statement of his wife, son and another Manjunatha S/o.Muniyappa who has specifically stated before the police that at about -9-

4.00 p.m in the car they have left the victim near the Ganesha temple in Chinthamani road H Cross is the statement. However as on 10.11.2018 complainant was in JC in Cr.No.306/2018 at Sidlaghatta. In fact as per page-56 caste of the victim was disclosed as Adi Dravida. Such being the case, the continuation of the investigation by the Sub-Inspector of Adugodi police is not proper. As per page-59, photo of the complainant is pasted on the complaint that too given by son of the accused about missing complaint once again. At this juncture the victim was missing from the police quarters of Adugodi, at about 3.15 p.m when he had went to give the crackers to the grandchildren of the victim. Once again he had given complaint on 11.11.2018 the complainant namely son of the victim came to know his father was arrested in Sidlaghatta Cr.No.276/2018 and has been released from prison on 10.11.2018. Such being the case, the missing complaint itself is wrong and misconceived. Therefore, at this juncture it clearly discloses there is no prima facie case SO as to try the present accused persons. The documents collected by the Investigating Officer and the materials placed on record, there is no co-relation. In fact even the DCP who has passed order to investigate is only on 15.12.2018

but the charge sheet is filed only after 7 months which is against Rule-9 of SC/ST (POA) Rules 1995, as such the offence allegedly committed as on 10.11.2018 itself about missing accused becomes illusionary. Such being the case, the question of sec. 120B of IPC is conspiracy to commit the alleged offence is missing. Therefore the - 10 -

property of the accused and the property mentioned in the complaint dated: 14.12.2018 has no co-relation. Such being the case, in the absence of co-relation accused cannot be tried is the prayer.

8. The learned counsel for the accused Nos. 1 and 2

brings to the court notice the Crl.A.No.6367/2023 in case of Dashrath Sahu V/s. State of Chattisgarh wherein the Hon'ble Apex Court has considered when there is no any prima facie case is made out as per the para-9 that:

"9. We have gone through the FIR and the sworn testimony of the prosecutrix/complainant as extracted in the judgments of the High Court as well as that of the trial Court. The case as projected in the FIR and the sworn testimony of the prosecutrix would reveal that the prosecutrix/complainant was engaged for doing household jobs in the house of the accused appellant who tried to outrage her modesty while the prosecutrix/complainant was doing the household chores. Apparently thus, even from the highest allegations of the prosecutrix, the offending act committed by the accused with the intention that he was doing so upon a person belonging to the Scheduled Caste. This issue was dealt with by this Court in the case of Masumsha Hasanasha Vs. Musalman was not State of Maharashtral wherein it was held as below:-

Criminal Appeal @ SLP(Crl.) No(s). 6367 of 2023 "9. Section 3(2)(v) of the Act provides that whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, commits any offence under the Penal Code, 1860 punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member

of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine. In the present case, there is no evidence at all to the - 11 -

effect that the appellant committed the offence alleged against him on the ground that the deceased is a member of a Scheduled Caste or a Scheduled Tribe. To attract the provisions of Section 3(2)(v) of the Act, the sine qua non is that the victim should be a person who belongs to a Scheduled Caste or a Scheduled Tribe and that the offence under the Penal Code, 1860 is committed against him on the basis that such a person belongs to a Scheduled Caste or a Scheduled Tribe. In the absence of such ingredients, no offence under Section 3(2)(v) of the Act arises. In that view of the matter, we think, both the trial court and the High Court missed the essence of this aspect. In these circumstances, the conviction under the aforesaid provision by the trial court as well as by the High Court ought to be set aside." (Emphasis supplied)"

wherein the circumstances has to be observed before charging accused under sec.3(2)(v) of SC/ST (POA) Act 1989 or otherwise. In the case on hand, as per the criminal case being registered against the complainant, he had obtained false caste certificate, charge sheet which is pending consideration for trial. At the same time, prosecution cannot blow cold and hot when the victim himself is not a schedule caste person, then there cannot be any complaint or either victim or his son under the provisions of SC/ST (POA) Act 1989 as per the above citation decided on 29.1.2024. Similarly in Crl.A. arising out of SLP.No.5323/2023 in case of Shashikant Sharma and others V/s. State of Uttar Pradesh and another, the Hon'ble Apex Court in this decision dated: 1.12.2023 has observed the charges concerning SC/ST cannot be framed against the accused person when accused are belonging to SC/ST. Further more the IPC offences are - 12 -

alleged by upper caste persons, it is to be in the knowledge of the upper caste person that accused belongs to schedule caste community. However in the case on hand, there is no whisper about the accused being the schedule caste person is known either to the accused well before. Under such circumstances as per the citations the charge sheet filed does not disclose that accused are knowing about the caste of the victim and secondly the accused did committed the alleged offence since the date of kidnapping has been mentioned as 5.10.2018 or 7.10.2018 it has been withdrawn once again the same has been given on 14.12.2018 knowing fully as on 8.11.2018 itself victim is an accused in another crime registered by Sidlaghatta police. Therefore the present accused, having link to the alleged offence has not been established since there is no any identification parade nor there is any whisper about the persons who abducted the victim were known persons.

9. The learned SPP by bringing to the notice of this

court reported in 2023 Livelaw (SC) 462 Crl.A.No. Singh Virdi (Retd) V/s. Hussain Mohammed Shattaf & Ors. Wherein it is held that: "Criminal Trial - At the stage of hearing on the charges, entire evidence produced by the prosecution is to be believed and if no offence is made out, then only an accused can be discharged. Truthfulness, sufficiency and acceptability of the material produced can be done only at the stage of trial. At the stage of charge, the Court has to satisfy that a prima facie case is made out against the accused persons. Interference of the Court at that stage is required only if there is strong - 13 -

reasons to hold that in case the trial is allowed to proceed, the same would amount to abuse of process of the Court. (Para 11) Criminal Trial - the High Court has not even referred to the evidence collected by Investigating Agency produced alongwith chargesheet in its entirety. Rather there is selective reference to the statements of some of the

persons recorded during investigation. It shows that there was total non-application of mind. The High Court had exercised the jurisdiction in a manner which is not vested in it to scuttle the trial of a heinous crime".

10. In the case on hand, even on going through the

citation and the facts presented on record, it is true the abduction of the victim has been mentioned on 5.10.2018 but the son of victim reported only on as written complaint on 7.10.2018 and the complaint came to be closed, however accused, again allegdly have committed abduction once again on 8.11.2018, however the same has been reported only on 14.12.2018. In fact even though the Investigating Officer while registering the crime was knowing that the victim was a SC/ST person as mentioned in the FIR itself as Adi Dravida, however he proceeds to record the statement of some victim on the basis of the complaint registered on 8.11.2018. In fact as per the record only Investigating Officer came to know victim was arrested and released from prison only on 10.11.2018 involved in a crime registered by Rural police station at Sidlaghatta. Therefore the Investigating Officer has not at all conducted proper investigation is evident from the record. Moreover whatever the benefit is available as per the provisions of SC/ST (POA) Act 1989 is to be extended not just to the victim but also to the accused - 14 -

as argued by the learned counsel for the accused seems reasonable.

11. The complainant has submitted his representation

on 28.5.2024 running 196 pages with regard to the discharge application filed wherein he has also made representation that accused are trying to kill him as accused persons are trying to destroy the evidence and also in conclusion that higher police officials are trying to mislead the court concerning the property of the complainant. The gist of the complaint made by the complainant is similar to the objections given by the complainant once again on 6.8.2024 in English. Whether complainant

has specified he has been falsely implicated in another Cr.No.306/2018 of Shidlagatta Rural Police station. Further the accused persons even got registered another crime under sec.3(1)(q) questioning the caste of the victim itself. He has submitted the documents which are already submitted to the Investigating Officer which contains the representation given by the complainant to Commissioner of Police and other police officials the case HRC 4203/10/31/2018 and other crime registered against him by the jurisdictional police is admitted while he was studying in 3rd standard dated: 14.9.1964 and particulars of his daughter and his children, his income certificate, caste certificate, wherein the Tahasildar Grade II, Bengaluru South mentioned his caste is Adi Dravida, the Chief Secretary has been directed by the Office of Prime Minister on his representation to take necessary action to prevent the abuse of complainant - 15 -

rights. This court has also directed the jurisdictional police to provide police direction to the complainant as per his representations and submissions made in open court in the cases pending.

12. The learned SPP by submitting the documents of

the complainant submits the complainant representation is enough to show there is prima facie case the question of discharge does not arise. The Memo filed by the learned SPP on 27.9.2024 by placing TC of the victim it discloses he belongs to Adi Dravida as maintained by Old Fort High School, Chamarajpet, Bengaluru. Therefore caste certificate passed as per the order dtd:30.3.2002 is proper and his caste certificate as per 24.7.2018 as issued by concerned Tahasildar. The representation made by the complainant that his caste certificate cannot be verified again and again as per the Press Notification issued by the Government by the Caste Verification Committee is prohibited. There is another O.S.No.2287/2010 wherein order has been passed by the jurisdictional court decreeing the suit against the State Government.

13. The learned counsel for the accused/petitioner

submits the present property in Sy. 46/1 is not belonging to State Government and the property as claimed by the accused No.1 is purchased through sale deed from original owner. However the complainant is making stake to 30 guntas of property purchased by the accused which is distinct that from property. of O.S.No.2287/2010 since - 16 -

the property is belonging to State as per O.S.No.2287/2010 the property of the accused No.1 cannot become the property of the complainant as per the decree passed by the Civil court. However the derivation of the title as contended by the accused with regard to the property of the present complainant is that the purchase of property is, from one Goopalli of Tamil Nadu who is maternal uncle and the purchase made by the complainant claimed to be 2 acres 17 guntas from his maternal uncle. The documents placed by the prosecution and even the complainant has no any bearing on the property purchased by accused no.1 as mentioned in, present case. In fact, the allegations that the accused No.4 had got registered a false Cr.No.306/2018 in the court of Sidlaghatta under sections in Sec.86 and 87 of Forest act and sec.379 of IPC on 10.11.2018 cannot be imagined, since the accused there in has been kidnapped on 5.10.2018 is the allegation and complaint has given on 7.10.2018 by his son has been closed without any murmur even by the complainant, but as the same has been withdrawn, subsequently only on 14.12.2018 a subsequent complaint made on same set of facts. However in the meantime accused got registered another crime as missing complaint registered on 10.11.2018 in Cr.No.276/2018 but on 11.11.2018 a fresh earlier complaint which has been lodged on 7.10.2018 by the son of the complainant came to be withdrawn. Therefore the complainant cannot make complaint and withdraw the previous complaint subsequently, as such the crime - 17 -

registered No. 196/18 as on 7.10.2018 the Investigating Officer is aware of the same, crime registered and he has even enquired upto 9.10.2018 the PSI has himself conducted investigation though the ACP who has filed charge sheet was knowing that it is an offence punishable u/s. SC/ST (POA) Act 1989. Therefore the subsequent complaint registered by the police is not maintainable since there is no crime being committed as the complainant was in judicial custody in some other crime, the foisting of the false crime has to be taken up by the present complainant before the jurisdictional Appellate Court under whose jurisdictional Magistrate namely Sidlaghatta Magistrate before whom crime No.306/2018 came to be registered. Therefore the place where accused is in, with the dispute is not an appropriate form so as to entertain his grievances with regard to accused being falsely implicated in a crime before Sidlaghatta jurisdictional court. The contentions raised by the learned counsel for the accused that the mandatory provisions of Rule 9 of SC/ST (POA) Rules 1995 has not been followed by the Investigating Officer at the first instance, is fatal to the prosecution case seems reasonable. Since when a previous crime is registered as on 7.10.2018 itself, then the question of withdrawing the complaint does not arise. It is committed against an SC/ST person. Further the Investigating Officer permitting to withdraw the complaint and subsequent complaint has been registered by the Investigating Officer under which these accused persons have appeared herein ending in filing charge - 18 -

sheet definitely contradicts with the facts and even the procedure as enumerated under Rule-9 of SC/ST (POA) Rules 1995 seems reasonable. Even as per the sec. 4 of the SC/ST (POA) Act 1989 the Investigating Officer has not at all conducted himself when the complainant approached for withdrawing the same. Therefore the caste of the victim is known to the Investigating Officer even prior to registering the Cr.No. 196/2018 as already the complainant had made another complaint. Therefore Investigating Officer without following due

procedure and investigation being kept pending for a period of more than 7 months is abuse of process of law namely the SC/ST (POA) Act 1989. Therefore the benefit of the same is to be given to the accused seems reasonable. Under such circumstances the withdrawal of the complaint by the present complainant made by his son on 7.10.2018 under what circumstances which came to be withdrawn discloses that there is no any actual crime committed by the present accused persons namely the applicants. Accordingly the subsequent crime registered by allowing to withdraw the previous crime is abuse of process of law. This court even on going through the entire materials placed by the complainant which runs more than 500 pages most of them are repetitive and the Investigating Officer in the present case was knowing about the procedure, as he had already registered another crime of the same complainant being aggrieved. this charge sheet does not disclose prima facie actual commission of offence as alleged. - 19 -

14. In the case on hand, even statement of witnesses.

the same witnesses namely the person who observed the kidnapping of the complainant as on 7.10.2018 has been made as witness even subsequently, definitely goes against the course of conducting of investigation as per the Police Manual as argued by the learned counsel for the accused seems reasonable. Under such circumstances accused are being involved in a false case though the property of the accused No.1 is a distinct one. Consequently the accused Nos. 1 and 2 and even to take cognizance against other accused persons being directly involved in the alleged offence being not appearing prima facie, this court is satisfied to discharge accused Nos.1 to 4. 6 to 8 for the alleged offences punishable under section 341, 342, 365, 506, 120(B) r/w.34 of IPC and Sec.3(2)(ii),3(2)(vi), 3(2)(vii) of Scheduled Castes & Scheduled Tribes (POA) Act1989. Accordingly, Point No.1 is answered in the Affirmative.

15. POINT NO.2:- In view of the findings given on point No. 1. I proceed to pass the following.-

ORDER

The application filed under section 227 of Cr.P.C is allowed. Accused Nos. 1 to 4, 6 to 8 are discharged for the alleged offences punishable under section 341, 342, 365, 506, 120(B) r/w.34 of IPC and Sec.3(2)(ii),3(2)(vi), 3(2)(vii) of Scheduled Castes & Scheduled Tribes (POA) Act 1989. - 20 -

4. As can be seen from the aforesaid order passed by

the Special Judge, the petitioner, who was arraigned as accused No.4 in Spl.C.C. No.399/2019 arising out of Crime No.196/2018, was discharged for the alleged offences and the said order passed by the Trial Court has attained finality and has become conclusive and binding upon the respondents.

5. Meanwhile, one Sri. N.M.Venkateshappa @ Venkatesh N.M., who was arraigned as accused No.5 in the Spl.C.C. No.388/2019, approached this Court in Crl.P.

No.5596/2025 which was allowed by this Court vide final order

dated 09.07.2025 and the proceedings against Sri. N.M.Venkateshappa - accused No.5 were quashed by this Court placing reliance on the petitioner being discharged in the earlier Crime No.196/2018. Under the said circumstances, this Court quashed the subsequent proceedings in Crime No.104/2019 which is presently pending in C.C. 434/2023 before the Special Court.

6. The said final order dated 09.07.2025 passed in Crl.P. No.5596/2005 reads as under: - 21 - In this Petition, Petitioner seeks the following reliefs:

> "Wherefore, it is respectfully prays that, this Hon'ble court may be pleased to call for the records in C.C.No.2422/2022 (Crime.No.12/2019 of respondent police) pending on the file of IV.ADLL.CMM Bangalore proceedings quash and in C.C.No.2422/2022 (Crime.No.12/2019 of respondent police) on the file of IV ACMM Bangalore for the alleged offence punihable 120(B) R/W 34 of IPC under sections 406, 420, 120(B)

R/W of IPC and pass such necessary order/s as this Hon'ble court deems fit, in the interest of justice."

2. Heard the learned counsel for the Petitioner and learned HCGP for the Respondents and perused the material on record.

3. A perusal of the material will indicate that

one Madangopal filed a complaint dated 07.10.2018 registered in FIR in Crime No.196/2018 against the Petitioner and other accused persons for alleged offences p/u/s 341, 342, 365, 506, 120(B) read with Section 34 of IPC and Sections 3(2)(ii), 3(2)(vi), 3(2)(vii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. After investigation, the first Respondent - police authorities filed a charge sheet which was being prosecuted in Spl.C.C. No.399/2019 before the special Court. The Petitioner who was arraigned as Accused No.5 in the said Spl.C.C.No.399/2019, approached this Court in Crl.P.No.6196/2023 seeking quashing of the said proceedings on the ground of parity inter alia contending that in so far as the remaining Accused Nos. 1 to 4 and - 22 -

Accused Nos. 6 to 8 were concerned, all the accused persons had been discharged except the Petitioner who was arraigned as Accused No.5 and consequently, this Court proceeded to pass the following order allowing the Petition and quashing the said proceedings. The said

order dated 07.01.2025 passed in Crl.P.No.6196/2023

reads as under:

"This petition by accused No.5 in Spl.C.C.No.399/2019 arising out of Crime No.196/2018 seeks quashing of the said proceedings pending on the file of LXX Addl. City Civil and Sessions Judge and Special Judge, Bengaluru for the offences punishable under Sections 341, 342, 365,

506, 120(B) read with Section 34 of IPC and Sections 3(2)(ii), 3(2)(vi), 3(2)(vii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the petitioner submits that

a perusal of the material on record will indicate that the overt acts said to be committed have been alleged only as against accused Nos.1 and 2 and not against accused No.5, who is the petitioner in the present petition. It is further submitted that by virtue of the order dated 25.10.2024 discharging accused Nos.6 to 8, the proceedings insofar as petitioner-accused No.5 is concerned would necessarily have to be quashed particularly, where there are no overt acts alleged to be committed by the petitioner-accused No.5, in the absence of which, the petition as against accused No.5 is not sustainable and deserves to be quashed.

3. Per contra, learned HCGP submits that there is no merit in the petition and the same is liable to be dismissed.

4. As rightly contended by learned counsel for the

petitioner, in the light of the order dated 25.10.2024 passed in Spl.C.C.No.399/2019 discharging accused Nos.1 to 4 and accused Nos.6 to 8 coupled with the fact that no overt acts have been alleged as against petitioner accused No.5 as can be seen from the material on record, I am of the considered opinion that the impugned proceedings qua accused No.5 would also deserve to be quashed. - 23 -

5. In the result, I pass the following:

ORDER

(i) The petition is hereby allowed.

(ii) The impugned proceedings in Spl.C.C.No.399/2019

arising out of Crime No.196/2018 on the file of LXX Addl. City Civil and Sessions Judge and Special Judge, Bengaluru, qua the petitioner/accused No.5 are hereby quashed."

4. In the instant case, a perusal of the

complaint, FIR, Charge sheet materials, statement of witnesses, etc., will indicate that the present Petition arises out of the very same incident and allegations which were subject matter of aforesaid Spl.C.C.No.399/2019 which have been quashed in so far as the petitioner is concerned.

5. Under these circumstances, in view of

quashment of the proceedings in Spl.C.C. No.399/2019, I am of the considered opinion that the impugned proceedings qua the Petitioner - Accused No.3 would not survive any longer and the same deserves to be quashed.

6. In the result, I pass the following:-

ORDER

i) Petition is hereby allowed. ii) The impugned proceedings in SPl.C.C.No. the file of Principal Civil Judge and JMFC, Shidlaghatta, qua the Petitioner are hereby quashed. - 24 -

7. The petitioner in the present petition is arraigned as

accused No.2 in C.C. No.434/2023 arising out of Crime No.104/2019; in this context, it is relevant to state that the aforesaid Sri. N.M.Venkateshappa - who was accused No.5 in Spl.C.C.399/2019 was arraigned as accused No.3 in the instant C.C. No.434/2023 which was quashed by this Court in Crl.P. No.5596/2025 referred to supra. Under these circumstances and in the light of the aforesaid order dated 25.10.2024 passed in Spl. C.399/2019 and the order dated 09.07.2025 passed by this Court in Crl. No.5596/2025, coupled with the fact that perusal of the complaint, FIR, charge sheet material, statement of witnesses which

clearly indicate that the present petition arises out of the very same incident and the allegations which were the subject matter of C.C.399/2019 and Crl. P. No.5596/2025, I am of the view that the impugned proceedings qua the petitioner No.2 deserves to be quashed.

8. In the result, I pass the following:

ORDER

i) Petition is hereby allowed. - 25 - ii) The impugned proceedings in C.C. No.434/2023 (arising out of Crime No.104/2019) pending on the file of the Principal Civil Judge and JMFC, Shidlaghatta, qua the petitioner-accused No.2 is hereby quashed. Sd/- (S.R.KRISHNA KUMAR) JUDGE KMS List No.: 19 Sl No.: 1

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