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Vijay vs State of Karnataka

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Court : Karnataka

Decided On : Oct-31-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.P/12095/2025

Appellant : VIJAY

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2025 BEFORE THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 12095 OF 2025 BETWEEN: VIJAY S/O. RAYON, AGED ABOUT 41 YEARS, NO.109, E WS QUATTERS, KORAMANGALA, VIVEKNAGAR, BANGALORE - 560 047 PETITIONER (BY SMT. RAKSHA KEERTHANA.K, ADVOCATE FOR SRI. KEMPARAJU, ADVOCATE) AND:

1. STATE OF KARNATAKA

ADUGODI POLICE STATION, Digitally REP. BY THE STATE PUBLIC PROSECUTOR signed by LAKSHMI T HIGH COURT OF KARNATAKA, Location: High Court BENGALURU - 560 001. of Karnataka

2. SAMPATH

S/O LATE PAPANNA AGED ABOUT 59 YEARS, R/AT NO.33, SAMATANAGRA MAIN ROAD, E.W.S QUATTERS, KORAMANGALA BANGALORE - 560 034. RESPONDENTS (BY SRI. M.V. ANOOP KUMAR, HCGP FOR R1; SRI. VIDYASAGAR H.V, ADVOCATE FOR SMT. POOJASHREE.G, ADVOCATE FOR R2) -2- THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS INITIATED AS AGAINST THE PETITIONER BY R.T.NAGAR P.S. / RESPONDENT NO.1 PENDING ON THE FILE OF THE HONBLE COURT OF THE XXXIX A.C.J.M AT BENGALURU IN C.C.NO.2675/2007 (CR.NO.229/2006) FOR THE OFFENCE P/U/S 143, 144, 323, 324, 307 R/W 149 OF IPC. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Respondent No.2/de-facto complainant is present before the Court.

2. Petitioner has preferred this petition, praying to quash the entire proceedings pending against him in CC.No.2675/2007 on the file of the Court of XXXIX A.C.J.M at Bengaluru.

3. Law was set in motion by one Sampath/respondent No.2 herein, on the basis of which a case in Crime No.229/2006 was registered at Adugodi -3- Police Station, against son of Sonnenahalli Palani and others for the offence punishable under Section 324, 307 read with 34 of IPC.

4. In the course of investigation, it was found that two of the accused were minors. Charge sheet was filed arraigning the petitioner as accused No.4.

5. As could be seen from the complaint

averments, when the complainant along with his sister-in-law by name Lakshmi went to the spot after coming to know that few persons were quarrelling with one Anand alias Pinto, he saw son of one Palani and two others quarrelling with Pinto. When he tried to intervene, one of the accused abused and assaulted with a long on his left shoulder, left fingers. Two others are alleged to have held him and assaulted with hands.

6. From the complaint averments, it is clear that only three accused were involved in the incident. It is specifically stated that one of the accused assaulted the -4- complainant with a long and caused bleeding injuries to him and two others held him and assaulted with the hands.

7. In the further statement of the complainant

recorded on 03.08.2006, he has stated that one George assaulted his sister-in-law i.e., Laxmi with a long on her hand and there were three more persons present and they assaulted with hands.

8. From the further statement of the complainant,

it can be seen that, he has come to know about the names of accused Nos.4, 5 and one Ramu from others and he has not identified the said accused, at the time of incident.

9. Learned High Court Government Pleader has

contended that the names of the petitioner has been mentioned in the further statement of the complainant as well as by CW2-Lakshmi and an eyewitness by name Anand and therefore, there is a prima facie case against the petitioner and the proceedings cannot be quashed. -5-

10. In this case, the accused is alleged to have assaulted the complainant and respondent No.2 and also

caused injuries to CW2-Lakshmi. However, their statements do not show that they have identified the petitioner, on the other hand it is stated that they have come to know about the name of the petitioner from others.

11. Admittedly, the name of the petitioner is not

mentioned in the FIR. One more accused by name Ramu, whose name was mentioned in the further statement of the complainant as well as by CW2-Lakshmi, has not been charge sheeted. It is the contention of the learned counsel for petitioner that the present petitioner was not at all present at the spot, but falsely implicated in the case.

12. An application is filed under Section 482 of

Cr.P.C by the learned Counsel for the petitioner as well as respondent No.2/de-facto complainant. The application is accompanied with an affidavit of the respondent No.2. -6-

13. In the affidavit filed by respondent No.2, it is

stated that petitioner was implicated under a wrong impression, on the basis of the statement of other accused persons and the petitioner has not at all assaulted the complainant and not harmed him and he was also not present at the spot. In view of the affidavit filed by respondent No.2, no purpose will be served in continuing the proceedings as against the petitioner/accused No.4.

14. It is submitted by the learned counsel for the petitioner that the petitioner has been arrested and he is in custody from 11.08.2025. Hence, the following:

ORDER

i. The entire proceedings pending in CC.No.2675/2007 on the file of XXXIX A.C.J.M at Bengaluru, insofar as the petitioner/accused No.4-Vijay S/o.Rayon is quashed. -7- ii. In view of quashing of the proceedings, petitioner shall be released

in the present case, if not required in any other case. iii. Petition is allowed. iv. Accordingly, I.A.No.1/2025 is disposed of. Sd/- (MOHAMMAD NAWAZ) JUDGE PK List No.: 1 Sl No.: 11

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