



CRL.P No. 102984 of 2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 19TH DAY OF OCTOBER, 2022

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 102984 OF 2022 (482-)

BETWEEN:

1. PARASHURAMA KAGE
AGE. 35 YEARS, OCC. AGRICULTURE
R/O. K AYYANAHALLI NEW PLOT, HADAGALI TQ
BALLARI DISTRICT

...PETITIONER

(BY SRI. ANAND R KOLLI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY STATE PUBLIC PROSECUTOR HIGH
COURT OF KARNATAKA DHARWAD
THROUGH HADAGALI POLICE STATION
2. MAHENDRA A. H
AGE. 50 YEARS, OCC. GRADE I TAHSILDAR
R/O. TAHSILDAR OFFICE
HUVOOINHADAGALI, TQ. DIST. BALLARI,

...RESPONDENTS

(BY SRI. V.S.KALASURMATH., HCGP FOR R1 TO R3;
SRI.VISHWANATH HEGDE, ADV. FOR C/R5 TO 4;
SRI.M.S.HALLIKERI, ADV., FOR R6)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.,
SEEKING TO QUASH THE ENTIRE PROCEEDINGS PERTAINING TO CC
NO.605/2022 ARISING OUT OF CRIME NO.154/2021 REGISTERED BY
THE HADAGALI POLICE STATION FOR THE ALLEGED OFFENCES
PUNISHABLE U/S 504, 419, 189, 506, 507 OF IPC, PENDING ON THE
FILE OF CIVIL JUDGE AND JMFC, HOOVINA HADAGALI.





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

ORDER

1. Learned HCGP accepts notice for respondent Nos.1 and 2.

2. The 2nd respondent lodged the FIR alleging that petitioner-accused telephonically called the 2nd respondent and abused him in filthy language by misrepresenting that he is the personal secretary of the Revenue Minister. The police registered the FIR for the offences punishable under Sections 504, 419, 189, 506, 507 of IPC against the petitioner-accused.

3. Learned counsel appearing for the petitioner submits that in the absence of essential ingredients so as to constitute the commission of aforesaid offences, registration of First Information Report against the petitioner-accused is impermissible.

4. Learned HCGP appearing for the respondent-State submits that allegations made in the FIR disclose the commission of offences alleged against the petitioner-accused



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and the same does not warrant any interference and sought for dismissal of the petition.

5. I have examined the submissions made by the learned counsel for the parties.

6. To constitute the offences punishable under Sections 504, 506, 507 of IPC the intentional insult must be of such a degree so as to cause breach of public peace or commission of any other offence, and also there must be a threat to cause death or grievous hurt. In the instant case, the petitioner has not threatened the 2nd respondent or caused any injury and the same has not resulted in breach of public peace.

7. To constitute for the offence punishable under Section 419 of IPC there must be dishonest intention from the inception to deceive the 2nd respondent. In the instant case, the allegation made in the First Information Report does not disclose that there was dishonest intention from inception to deceive the respondent No.2 so as to constitute the offence punishable under Section 419 of IPC.



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8. To constitute the offence punishable under Section 189 of IPC there must be threat of injury to any public servant or to any person in whom he believes that public servant to be interested for the purpose of inducing that public servant to do any act. In the instant case, there is no allegation of threat to any public servant or to any person to constitute the offence punishable under Section 189 of IPC. Hence, in the absence of essential ingredients so as to constitute the commission of aforesaid offences, the registration of charge sheet against the petitioner-accused is not sustainable in law. Accordingly, I pass the following:

ORDER

- i) The criminal petition is allowed.
- ii) The impugned First Information Report in Crime NO.154/2021 registered by the Hadagali police station is hereby quashed.

**Sd/-
JUDGE**

Vb/-