

(2023) 05 KAR CK 0030
In the Karnataka High Court
Case No : Criminal Petition No. 11626 Of 2022

S. Rajendra kumar

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 22-05-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 114, 143, 147, 148, 149, 307, 323, 329, 332,
353, 384, 504, 506

Citation : (2023) 05 KAR CK 0030

Hon'ble Judges : K. Natarajan, J

Bench : Single Bench

Advocate : M. Shashidhara, Rohith B.J

Final Decision : Dismissed

Judgement

K. Natarajan, J

1. This petition is filed by the petitioner-accused No.6 under Section 482 of Cr.P.C. for quashing the criminal proceedings in C.C.No.10026/2022, pending on the file of

II Additional Civil Judge and JMFC, Nelamangala, arising out of Crime No.100/2022 registered by Nelamangala Town Police Station, Bengaluru and charge-sheeted for the offences punishable under Sections 143, 147, 148, 114, 323, 329, 384, 307, 353, 332, 504, 506 read with Section 149 of IPC.

2. Heard the arguments of learned counsel for the petitioner, learned High Court Government Pleader for respondent Nos.1 and 2.

3. The case of the prosecution is that on the suo-motu complaint registered by the respondent No.2-A.V.Kumar alleging that on 06.07.2022 at about 8.40 p.m., he received a credible information that in the house of accused No.1-Hanumantharaju, there were 10 to 15 persons assembled for doing illegal activities, hence, by obtaining the permission from the Dy.S.P., he along with the

police team went to the house of accused No.1 where they found 11 persons assembled in the house. When they tried to enquire them, at that time, accused Nos.1 and 2 said to be scolded the Police, thereafter, they assaulted the complainant and the Police personnel and caused injuries. They torn the uniforms, abused them in filthy language. This petitioner also said to be joined with the other accused and abused the police and also threatened them with dire consequences. Subsequently, the police took all the accused persons and registered a case against them for the above said offences. The petitioner-accused No.6 is before this Court challenging the criminal proceedings.

4. The learned counsel for the petitioner has contended that the petitioner is innocent of the alleged offences. He is the friend of accused No.1 who went to the house of accused No.1 for dinner and there is no illegal activities and there was no unlawful assembly for committing any offences. The offences under Sections 307, 332 and other offences are not attracted against the petitioner. Hence, prayed for quashing the criminal proceedings.

5. Per contra, learned High Court Government Pleader objected the petition.

6. Having heard the arguments and on perusal of the records, which reveals, the Police Officer had received the credible information that some illegal activities are going in the house of accused No.1, there were 10 to 15 persons assembled. When the police officials visited the house of accused No.1 for the purpose of raid, at that time, all the accused persons obstructed the police officials for discharging their official duty which attract Section 353 of IPC. Subsequently, they scolded the police, there was scuffle between them and the other accused person with an intention to commit murder, they assaulted the complainant and other police officials and caused injuries which attracts Sections 307 and 332 of IPC. For abusing the police and threatening to do away their life attracts Sections 504 and 506 of IPC. They also assaulted the police by hands which also attracts Section 323 of IPC. The petitioner and other accused were already assembled and at that time, when police raided the spot, the accused persons together attacked the police, all the accused joined together by forming un-lawful assembly for the purpose of attacking the police which attracts Section 149 of IPC for a common object. Therefore, it cannot be said that there is no offence committed by the petitioner.

7. The police have seized the play cards, liquor bottles, cash, clubs. The statement of the police officials were all clearly reveals that they attacked the police officials on that day. They have not only caused injuries but prevented the police officials from discharging their official duty. Therefore, the trial Court required to frame appropriate charges against the accused persons. If the petitioner assaulted the police with the hands, scolded them, threatened them and obstructed them are also punishable under the IPC in the above said offences. When the common object and common intention are established by the Police in the charge-sheet, the petitioner is required to face the trial and this Court cannot appreciate the evidence on record without going for trial. Therefore,

it is not a fit case for quashing the criminal proceedings.

8. Accordingly, the petition filed by the petitioner-accused No.6 is hereby dismissed.