

Karnataka High Court Sri. Marappa vs State Of Karnataka on 23 February, 2017 Author: John Michael Cunha 1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY 2017

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION NO.7517 OF 2014

Between:

Sri. Marappa S/o Sri Arasappa, Aged about 48 years, Occ: Police Inspector, R/at O.B. Choudanahalli, Kagallapura post, Bangalore South Taluk, Bangalore.
... Petitioner

(By Sri Harish Kumar H.C., Advocate)

And

1. State of Karnataka Represented by State Public Prosecutor, High Court Building, Dr. Ambedkar Road, Bangalore - 560 001.
2. Sri. K.K. Ajith S/o Sri. K.P.Kumaraswamy, Aged about 30 years, R/at Kamanaghatta village, 2

Hirisave Hobli, Channarayapatna Taluk, Hassan District - 573 124 ... Respondents

(By Sri Sandesh J.Chouta, SPP-II for R-1)

This Criminal Petition is filed u/s 482 of Cr.P.C.,

praying to quash the entire proceedings in PCR.No.67/2006 pending on the file of the Prl. Civil Judge & JMFC, Channarayapatna, against the petitioner for the alleged offences p/u/s 323, 324, 325, 504 r/w 34 of the IPC.

This petition coming on for orders this day, the

court made the following:

ORDER

Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader for respondent No.1/state. 2. The complainant is not yet served. 3. The petitioner has sought for quashing of PCR No.67/2006 alleged to be pending on the file of the Prl. Civil Judge and JMFC, Channarayapatna and to quash the entire proceedings in PCR No.67/2006 registered for the alleged offences punishable under section 323, 324, 325 and 504 read with section 34 of Indian Penal Code, 1860. 4. In the course of the arguments, learned counsel for the petitioner submits that pursuant to the direction of the learned Magistrate the police initially submitted a "B" Report. The learned Magistrate issued notice to the complainant and the complainant submitted the protest petition and during the enquiry, learned Magistrate recorded statement of the complainant as well as witnesses and took cognizance of these offences and issued process to the petitioner herein as well as two other accused. 5. In view of this statement, the proper remedy for the petitioner is to challenge the summons issued by the Magistrate rather than seeking to quash the proceedings in PCR No.67/2006 which admittedly are not pending before the learned Prl. Civil Judge and JMFC, Channarayapatna. 6. With these observations, reserving liberty to the petitioner to challenge the summons issued by the learned Magistrate, if need be, this petition is disposed of. Sd/- JUDGE Kmv/nc/-