

**Reserved on : 12.06.2025**  
**Pronounced on : 25.06.2025**



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25<sup>TH</sup> DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.11368 OF 2024

C/W

CRIMINAL PETITION No.11384 OF 2024

**IN CRIMINAL PETITION No.11368 OF 2024**

**BETWEEN:**

MALAVIKA PERIYASWAMY  
D/O LATE S.PERIYASAMY  
AGED ABOUT 48 YEARS  
RESIDING AT FLAT NO. 302  
3<sup>RD</sup> FLOOR, EMBASSY PALACE  
NANDIDURGA JAYMAHAL EXTENSION  
BENGALURU CITY – 560 046.

... PETITIONER

(BY SRI ADIT CHANDANGOUDAR, ADVOCATE)

**AND:**

- 1 . THE STATE OF KARNATAKA  
BY J.C.NAGAR POLICE STATION  
REPRESENTED BY ITS  
STATE PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA.
- 2 . ARADHANA PUNJA  
W/O RAMAKRISHNA PUNJA

AGED ABOUT 52 YEARS  
RESIDING AT FLAT NO.G-1  
GROUND FLOOR, 64  
EMBASSY PLACE, NANDIDURGA ROAD  
JAYAMAHAL EXTENSION  
BENGALURU CITY, KARNATAKA – 560 046.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL. SPP FOR R1;  
SRI R.RAJA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE PRIVATE COMPLAINT BEARING NO. P.C.R./FR 12196/2023 FILED BY RESPONDENT NO.2 DATED 13.03.2023 (ANNEXURE-A) FIR DATED 02.12.2023 IN CR.NO.0200/2023 REGISTERED BY RESPONDENT NO.1 POLICE AS FOR THE OFFENCE P/U/S 294, 504, 506 R/W 34 OF THE IPC, 1860 AND PENDING ON THE FILE OF 8TH ADDL. CMM, BANGALORE CITY (ANNEXURE-B), THE CHARGE SHEET BEARING NO.200/2023 DATED 15.03.2024 (ANNEXURE-C) AND THE ORDER DATED 19.04.2024 TAKING COGNIZANCE FOR THE OFFENCE P/U/S 294, 504, 506 R/W 34 OF IPC, 1860 AT ANNEXURE-(D) AND ALL FURTHER PROCEEDINGS IN C.C.NO.12622/2024 WHICH IS NOW PENDING ON THE FILE OF 8TH ADDL. CMM, BANGALORE CITY AS AGAINST THE PETITIONER.

**IN CRIMINAL PETITION No.11384 OF 2024**

**BETWEEN:**

GURUAPPA @ CHINNAGURRAPPA CHINNAGUNDAPPA  
S/O CHINNAGUNDAPPA

AGED ABOUT 59 YEARS  
D.NO. 3/102, OTTARAPALAYAM  
DODDAUBBANUR, KRISHNAGIRI  
TAMIL NADU-635118.

... PETITIONER

(BY SRI ABHISHEK K., ADVOCATE)

**AND:**

1 . STATE OF KARNATAKA  
BY J.C.NAGAR POLICE  
REPRESENTED BY  
STATE PUBLIC PROSECUTOR  
HIGH COURT BENGALURU – 560 001.

2 . ARADHANA  
W/O RAMAKRISHNA N.PUNJA  
AGED ABOUT 50 YEARS  
R/AT FLAT NO. G1  
GROUND FLOOR, EMBASSY PLACE  
NANDIDURGA ROAD  
JAYAMAHAL EXTENSION  
BENGALURU – 560 056.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL. SPP FOR R1;  
SRI R.RAJA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH ENTIRE PROCEEDINGS IN CC NO. 12622/24 REGISTERED BY JC NAGAR POLICE STATION PENDING ARSING OUT OF CR. NO. 200/23 ON THE FILE OF 8TH ADDL. CHIEF METROPOLITAN MAGISTRATE (8TH ACMM), BENGALURU CITY FOR OFFENCES PUNISHABLE UNDER SECTION 294, 504, 506 R/W 34 INDIAN PENAL CODE.

THESE CRIMINAL PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 12.06.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

**CAV ORDER**

These twin petitions spring from the same fount of controversy arising out of C.C.No.12622 of 2024, pending before the VIII Additional Chief Metropolitan Magistrate, Bengaluru, wherein the petitioner in Criminal Petition No.11368 of 2024 is accused No.1 and Criminal Petition No.11384 of 2024 concerns accused No.3. The complainant in both the cases is common.

2. For the sake of convenience, facts obtaining in Criminal Petition No.11368 of 2024 are narrated.

3. Facts, in brief, germane are as follows: -

It is the case of the prosecution that the 2<sup>nd</sup> respondent / complainant registers a private complaint in P.C.R.No.12196 of 2023, which is referred to investigation by the learned Magistrate under Section 156(3) of the Cr.P.C. It then becomes a crime in

Crime No.200 of 2023. The reason for registering the crime is an incident that happens on 28-02-2023. The relationship between the protagonists is that, the complainant is a resident in an apartment complex. The complainant is the owner and in possession of Flat No.G1 on the ground floor of the Embassy Palace, Nandidurga Road, Jayamahal Extension, Bangalore. Accused No.1 is a resident in Flat No.302, on the third floor of the same apartment and accused No.3 is a civil contractor. On 28-02-2023, it is the case of the complainant that she was on her way to the hospital, to take care of her mother, who had undergone knee surgery and at that time, she notices six members near the apartment in the garden area. When the complainant questioned why those people were standing in the garden area, they replied that they had come to clean the apartment and dig a rain water harvesting pit. Therefore, the contractor has brought 4 labourers and all of them were digging the pit. When the complainant questioned them, they are said to have used harsh words and sung some filthy songs. This is the crux of the complaint. The complaint then becomes a crime in Crime No.200 of 2023. The Police conduct investigation and file a charge sheet against the

accused herein for using filthy language against the complainant. Filing of the charge sheet is what has driven the accused to this Court in the subject petition.

4. Heard Sri Adit Chandangoudar, learned counsel for the petitioner in CrI.P.No.11368 of 2024, Sri K. Abhishek, learned counsel appearing for the petitioner in CrI.P.No.11384 of 2024 and in both the petitions, Sri B.N. Jagadeesha, learned Additional State Public Prosecutor appearing for respondent No.1 and Sri R.Raja, learned counsel appearing for respondent No.2.

5. The learned counsel appearing for the petitioner in CrI.P.No.11368/2024, Sri Adit Chandangoudar would vehemently contend that none of the ingredients of offences are found in the case at hand. It was the mandate of law that rain water harvesting has to be done in every place. Rain water harvesting was not done in which the complainant and accused No.1 are residing. Therefore, the contractor had brought four people to dig and keep the rain water harvesting process ready. It is at that time, certain altercations happen as the complainant did not want rain water harvesting be done in the apartment area. She goes and files a

civil suit seeking injunction against the Association of the apartment in O.S.No.1667 of 2023. The said suit is pending. Notwithstanding filing of the suit, the criminal law is also set into motion on the same set of facts, only to wreak vengeance or counterblast to the act of the petitioner in seeking to comply with the mandate of law as notified by the Bangalore Water Supply and Sewerage Board ('BWSSB').

6. The learned counsel appearing for the petitioner in the companion petition would toe the lines of the learned counsel appearing for accused No.1 in contending that he was given a contract to do so, which he has done. No fault can be found with what accused No.3 has done. There is no substance in the allegations made against him as well.

7. *Per contra*, the learned counsel appearing for the complainant would vehemently contend that the petitioners have hurled certain abuses, sung some abusive songs and have threatened the complainant. All these issues would become a matter of trial for the petitioners to come out clean. This Court in

exercise of its jurisdiction under Section 482 of the Cr.P.C. should not interfere at this stage.

8. The learned Additional State Public Prosecutor - Sri B.N. Jagadeesha would also toe lines of the learned counsel for the complainant in contending that the Police after investigation have filed charge sheet. Certain abusive statements appear to have been made by the petitioners. Therefore, this Court should not interfere at this stage and leave the trial to go on for the petitioners to come out clean.

9. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

10. The issue in the *lis* revolves around the mandate of BWSSB and the Bruhat Bengaluru Mahanagara Palike ('BBMP'). The Government had issued circular/Government orders with regard to mandatory installation of rain water harvesting in every individual houses and apartment complexes. In apartment complexes, if not one, it could be more than one. In the block, in which accused



No.1 and the complainant are residing, there was admittedly no rain water harvesting done. To comply with the mandate, accused No.3 was entrusted with the job of digging a pit for the purpose of rain water harvesting. At that point in time, the complainant objects and reaches to the civil Court seeking injunction against BWSSB and the petitioners against digging any pit for the purpose of rain water harvesting. The said suit is pending consideration.

11. On the altercations on 28-02-2023 and after instituting the civil suit, a private complaint is registered by the complainant invoking Section 200 of the Cr.P.C. A few paragraphs of narration in the complaint are germane to be noticed. They read as follows:

"6. The complainant submits that the apartment building consisting of ground floor, first floor, second floor and third floor.

7. The complainant submits that the accused No.1 is in occupation of the third floor in flat No.302 which is 2 bed room flat. The accused No.1 has purchased the aforesaid flat on 17-03-2021. A copy of the sale deed is herewith produced herewith.

8. The complainant submits that, on 28-02-2023 at about 12 p.m. the complainant was going to the hospital for taking care of her mother, who has undergone knee surgery. The complainant saw 6 members near her apartment in garden area, when the complainant questioned some of the labourers why were they standing there "they replied that they had come to clean the apartment. When the

complainant came from hospital she was shocked to see, that they had dug a rain water harvesting pit in garden area. Again on 01-03-2023 again 4 labourers came along with accused No.1 to 3 started digging the pit in open space in garden area, which is abutting to the western wall of the complainant. When complainant questioned them, stating that when there is an existing rain water harvesting pit in the south western side, why do you need another rain water harvesting pit, **the accused No.1 to 3 started abusing me in a filthy language, started talking about character assassination and threatened me with life. Accused No.3 is a contractor and accused No.2 is friend of accused No.1.**

**9. The complainant submits that, accused No.1 and 2 started insulting using harsh words such as name calling and cursing. Every harsh word that was purposely spoken about complainant only with the intent to harm and hurt her, which is causing her headaches, lots of tears, praying to god to make it go away and isolation. It is a mental harassment, agony, stress resulted in health problems.**

**10. The complainant submits that accused No.1 and 2 intentionally insulted her in front of labourers and accused No.2 was provoking the labourers to assault her in case if she objects.**

**11. The accused No.1 to 3 started threatening complainant otherwise they would make her life miserable by filing false case against her and would demolish the structure. The accused No.1 to 3 threatened that if the complainant lodges a report or go to court she would be killed. Complainant is apprehending danger to her life.**

12. It is submitted that complainant approached the jurisdictional police station for lodging complaint against accused No.1 to 3 on 01-03-2023 she was made to wait they did not receive her complaint. Then complainant lodge a complaint before the Commissioner of Police, a copy of complaint is produced herewith."

(Emphasis added)

Investigation is sought on the aforesaid incident, which is said to have happened on 28-02-2023. This becomes a crime in Crime No.200 of 2023 for offences punishable under Sections 294, 504, 506 r/w 34 of the IPC. The police conduct investigation. Investigation led to filing of a charge sheet against the petitioners again for the very same offences that were alleged in the crime. Summary of the charge sheet as obtaining in Column 17 reads as follows:

**\*17.ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ**

'ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ಕಾಲಂ ನಂ: 12 ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಆರೋಪಿತರು ದಿನಾಂಕ:28/02/2023 ರಂದು ಮಧ್ಯಾಹ್ನ ಸುಮಾರು 12:00 ಗಂಟೆ ಸಮಯದಲ್ಲಿ, ಜೆ.ಸಿ.ನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ನಂದಿದುರ್ಗ ರಸ್ತೆ, ಎಂಬೆಸಿ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ಮುಂಭಾಗದಲ್ಲಿ ಮಳೆ ನೀರು ಕೊಯಿಲು - ಮಾಡಲು ಹೊಂಡವನ್ನು ತೋಡಿದ್ದಾರೆ. ಈ ಬಗ್ಗೆ, ಸಾಕ್ಷಿ-1 ರವರು ದಿನಾಂಕ: 01.03.2023 ರಂದು ಕೂಲಿ ಕಾರ್ಮಿಕ ಗುರಪ್ಪ ರೊಂದಿಗೆ ಎ1, & ಎ2 ಹಾಗೂ ಎ3 ಆರೋಪಿತರು ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ಮುಂಭಾಗದ ಜಾಗದಲ್ಲಿ ಗುಂಡಿ ತೋಡುವುದನ್ನು ಕಂಡು ಮಳೆ ನೀರು ಸಂಗ್ರಹಿಸಲು ಹೊಂಡ ಈಗಾಗಲೇ ಇದೆಂದು ಪ್ರಶ್ನಿಸಿದರೆ ಆರೋಪಿತರು ಸಾರ್ವಜನಿಕ ಸ್ಥಳದಲ್ಲಿ ಆಕ್ಷೇಪವಾಗಿ ಸೂಳೆ, ಸೂಳೆ ಸೂಳೆ ಮುಂಡೆ, ರೋಡ್ ಸೂಳೆ, ಕೆಟ್ಟ ಪದಗಳಿಂದ ನಿಂದಿಸಿ **FUCK AND BITCH** ಎಂದು ಒಂದು ರೀತಿ ಹಾಡಿನಂತೆ ಹಾಡಿ & ಅಸಭ್ಯವಾಗಿ ಕೆಟ್ಟ ಪದಗಳಿಂದ/ಶಬ್ದಗಳಿಂದ ಮಾತನಾಡಿ ಸಾಕ್ಷಿ-1ರವರಿಗೆ ಕಿರಿಕಿರಿ ಉಂಟು ಮಾಡಿ ಪ್ರಾಣ ಬೆದರಿಕೆಯನ್ನು ಹಾಕಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ಸಾಕ್ಷಿ-1 ರವರು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಪಿ.ಸಿ.ಆರ್ ಮುಖೇನ ಪ್ರಕರಣವನ್ನು ' ದಾಖಲಿಸಿದ್ದು ಪ್ರಕರಣದ ಆರೋಪಿತರುಗಳು ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧ ಎಸಗಿರುವುದು, ತನಿಖೆಯಿಂದ ಮತ್ತು ಲಭ್ಯ ಸಾಕ್ಷ್ಯಾಧಾರಗಳಿಂದ ಧೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಮೇಲ್ಕಂಡ ಕಲಂಗಳ ರೀತ್ಯಾ ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿಯನ್ನು ಮಾನ ಘನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತದೆ."

(Emphasis added)

The complaint is voluminous, yet materially thin. It alludes to name calling, alleged insults and vague references to character assassination. However, the embellishments that have emerged in the charge sheet are conspicuously absent in the original complaint, which would become retrospective additions tailored for effect. The offences alleged are the ones punishable under Sections 294, 504 and 506 of the IPC. Section 294 of the IPC. They read as follows:

**"294. Obscene acts and songs.**—Whoever, to the annoyance of others,—

- (a) does any obscene act in any public place, or
- (b) sings, recites or utters any obscene songs, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

Section 294 of IPC punishes a person who performs obscene acts and sing obscene songs in a public place. Interpretation of Section 294 of the IPC need not detain this Court for long or delve

deep into the matter. The Apex Court in the case of **N.S. MADHANAGOPAL v. K.LALITHA**<sup>1</sup> has held as follows:

" .... .... "

**6.** Section 294(b)IPC talks about the obscene acts and songs. Section 294IPC as a whole reads thus:

**"294. Obscene acts and songs.—Whoever, to the annoyance of others—**

**(a) does any obscene act in any public place, or**

**(b) sings, recites or utters any obscene songs, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."**

**7. It is to be noted that the test of obscenity under Section 294(b)IPC is whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences.** The following passage from the judgment authored by K.K. Mathew, J. (as his Lordship then was) reported in *P.T. Chacko v. Nainan Chacko* [*P.T. Chacko v. Nainan Chacko*, 1967 SCC OnLine Ker 125 : 1967 KLT 799] explains as follows : (SCC OnLine Ker paras 5-6)

"5. The only point argued was that the 1st accused has not committed an offence punishable under Section 294(b)IPC, by uttering the words

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<sup>1</sup> (2022) 17 SCC 818

above-mentioned. The courts below have held that the words uttered were obscene and the utterance caused annoyance to the public. I am not inclined to take this view. In *R. v. Hicklin* [*R. v. Hicklin*, (1868) LR 3 QB 360] , QB at p. 371 Cockburn, C.J. Laid down the test of "obscenity" in these words : (QB p. 371)

'... the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences....'

6. This test has been uniformly followed in India. The Supreme Court has accepted the correctness of the test in *Ranjit D. Udeshi v. State of Maharashtra* [*Ranjit D. Udeshi v. State of Maharashtra*, 1964 SCC OnLine SC 52 : AIR 1965 SC 881]. In *Roth v. United States* [*Roth v. United States*, 1957 SCC OnLine US SC 106: 1 L Ed 2d 1498 : 354 US 476 (1957)] , **Chief Justice Warren said that the test of "obscenity" is the 'substantial tendency to corrupt by arousing lustful desires'**. Mr Justice Harlan observed that in order to be "obscene" the matter must "tend to sexually impure thoughts". I do not think that the words uttered in this case have such a tendency. **It may be that the words are defamatory of the complainant, but I do not think that the words are "obscene" and the utterance would constitute an offence punishable under Section 294(b)IPC."**

**8. It has to be noted that in the instance case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on**

**record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b)IPC.**

**9. To prove the offence under Section 294IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellant-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b)IPC is made out."**

(Emphasis supplied)

The Apex Court holds that in the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings and those words are not spoken in a public place, it would not attract the offence under Section 294 of the IPC. Section 294 of the IPC penalizes obscene acts in public places. The Apex Court holds that mere abusive or humiliating language accompanied by lasciviousness does not constitute obscenity. As the petitioners are not alleged of any obscene act in a public place and they are not alleged of singing obscene songs in a public place, it is understandable as to where from the Police could trace the

obscene songs being sung by these petitioners in a public place, while filing the charge sheet. There is neither public setting in its true sense nor any indecent act as contemplated under Section 294 of the IPC. Therefore, the offence under Section 294 of the IPC is loosely laid against these petitioners.

12. The other offences are the ones punishable under Sections 504 and 506 of the IPC. Sections 504 and 506 of the IPC read as follows:

**"504. Intentional insult with intent to provoke breach of the peace.**—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

....

**506. Punishment for criminal intimidation.**—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

**if threat be to cause death or grievous hurt, etc.**—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished



with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

Both the provisions have ingredients in Section 503 of the IPC.

Section 503 of the IPC reads as follows:

**“503. Criminal intimidation.**—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threats, commits criminal intimidation.

*Explanation.*—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.”

What would be the purport of Sections 504 and 506 of the IPC again need not detain this Court for long or delve deep into the matter. The Apex Court in the case of **MOHD.WAJID v. STATE OF UTTAR PRADESH**<sup>2</sup> has held as follows:

**“Sections 503, 504 and 506 IPC**

**25.** Chapter XXII IPC relates to criminal intimidation, insult and annoyance. Section 503 reads thus:

**“503. Criminal intimidation.**— Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to

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<sup>2</sup> **2023 SCC OnLine Sc 951**

cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

*Explanation.*—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

*Illustration*

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation."

**26.** Section 504 reads thus:

**"504. Intentional insult with intent to provoke breach of the peace.**—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

**27.** Section 506 reads thus:

**"506. Punishment for criminal intimidation.**—Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

**if threat be to cause death or grievous hurt, etc.**—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

**28. An offence under Section 503 has the following essentials:**

- (1) Threatening a person with any injury;**
  - (i) to his person, reputation or property;**
  - or**
  - (ii) to the person, or reputation of any one in whom that person is interested.**
- (2) The threat must be with intent;**
  - (i) to cause alarm to that person; or**
  - (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or**
  - (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.**

**29. Section 504 IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.**

**30. In judging whether particular abusive language is attracted by Section 504 IPC, the court has to find out what, in the ordinary circumstances, would**

**be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant."**

(Emphasis supplied)

The Apex Court categorically holds that mere use of harsh or abusive language does not ipso facto constitute criminal intimidation or provocation resulting in breach of peace. The ingredients thus, of any of the offences, are conspicuously absent.

13. If the allegations against the petitioners are considered on the bedrock of the principles laid down by the Apex Court in the judgments quoted *supra*, the allegations are frivolous, would be the unmistakable inference. There is nothing that would point at the petitioners criminally intimidating the complainant. These petitioners were doing their job complying with the mandate of BWSSB for installation of rain water harvesting in every area. The complainant ought not to have objected to the execution of mandate of law. Notwithstanding the same, a civil suit is also

instituted seeking injunction against BWSSB and office bearers not to comply with the installation of rain water harvesting on the ground there is enough rainfall. Having filed a suit for injunction, on an imaginary plea of hurling abuses, the complainant could not have set the criminal law into motion. While the allegations have no bearing on what the civil Court would do, but the contents of the complaint and the summary of charge sheet leave one in doubt as to what is the offence committed by these petitioners.

14. In the aforesaid circumstances it becomes apposite to refer to the judgment of the Apex Court in the case of **STATE OF HARYANA v. BHAJAN LAL**<sup>3</sup> wherein it laid down as follows:

".... ....

**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines

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<sup>3</sup> **1992 Supp (1) SCC 335**

or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) **Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.**
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (5) **Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.**
- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

- (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

(Emphasis supplied)

**The cumulative effect of the complaint, the charge sheet and the judicial precedents renders the prosecution’s case ex-facie unsustainable. The proceedings reek of malafides and appear to have been initiated not to vindicate justice, but to harass and entangle the petitioners in legal rigmarole.** In view of the preceding analysis and the judgments of the Apex Court quoted *supra*, permitting further trial against these petitioners would become an abuse of the process of law and result in patent injustice. I, therefore, deem it appropriate to exercise my jurisdiction under Section 482 of the Cr.P.C. and obliterate the proceedings.

15. For the aforesaid reasons, I pass the following:

**ORDER**

- (i) Criminal Petitions are allowed.
- (ii) Proceedings in C.C.No.12622 of 2024 pending before the VIII Additional Chief Metropolitan Magistrate, Bangalore City, stand quashed, *qua* the petitioners.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

nvj  
CT:SS