



CNR: KAHC010050972025

NC: 2026:KHC:54743
CRL.P No. 1265 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1265 OF 2025

BETWEEN:

1. SHIVAKUMAR K P,
S/O PUTTEGOWDA,
AGED ABOUT 45 YEARS,
R/O OF KARIGOWDANA KOPPALU
VILLAGE, SHANTIGRAMA HOBLI,
HASSAN TALUK, HASSAN - 573 220.
2. LAKSHMAMMA,
W/O PUTTEGOWDA,
AGED ABOUT 65 YEARS,
R/O OF KARIGOWDANA KOPPALU
VILLAGE, SHANTIGRAMA HOBLI,
HASSAN TALUK, HASSAN - 573 220.

...PETITIONERS

(BY SRI MANJUNATHA R SWAMY, ADVOCATE)

AND:

1. STATE BY SHANTIGRAMA P.S.,
HASSAN-573 220,
REP. BY SPP,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.
2. HEMA
W/O KUMAR,
AGED ABOUT 65 YEARS,
R/O OF CHIGAHALLI VILLAGE,
SHANTIGRAMA HOBLI,
HASSAN TALUK, HASSAN - 573 220.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1;
R-2 SERVED)



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THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO A) QUASH THE CHARGE SHEET NO.89/2024 DATED 12/09/2024 AGAINST THE PETITIONERS FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 118(1), 126(2), 3(5), 352, 118(2), 74, 115(2) OF THE BNSS, 2023 AT ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;

a. quash the Charge Sheet No.89/2024 Dated: 12/09/2024 against the petitioners for the alleged offences punishable under Sections 118(1), 126(2), 3(5), 352, 118(2), 74, 115(2) of the BNSS, 2023 at **Annexure-A,**

b. consequently quash the proceedings against the petitioners in CC No.5193/2024 pending on the file of the Hon'ble Court of II Addl. Civil Judge and JMFC, Hassan at **Annexure-B and**

c. pass any such other order/s as deemed fit in the facts and circumstances of the case by allowing this criminal petition to meet the ends of justice.

2. Respondent No.2 lodged a complaint on 14.07.2024, which came to be registered as Crime No.94 of 2024 by Shanthigrama Police Station for the offences punishable under Sections 126(2), 352, 74, 118(1) and 3(5) of the BNSS, 2023. Upon completion of the investigation, a charge-sheet was laid on

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12.09.2024. It is challenging the said proceedings that the petitioner is before this Court seeking the aforesaid reliefs.

3. The submission of Sri. Manjunath R. Swamy, learned counsel for the petitioner, is that:

3.1. The incident did not occur in the manner alleged in the complaint or reflected in the charge-sheet. His submission is that when the petitioners were travelling on the road, they noticed a water tanker belonging to the son of respondent No.2 parked on the road and requested that the vehicle be removed and parked elsewhere. At that point, the elder son of respondent No.2, namely Mr. Bharath, is stated to have assaulted the petitioners, in respect of which the petitioners had also lodged a complaint. Upon investigation, a charge-sheet has been laid in the said case and charges have been framed, with the matter presently posted for recording of evidence.

3.2. It is further submitted that, according to the complaint lodged by respondent No.2, her younger son, namely Mr. Rathan, who was allegedly injured in the incident, was taken to

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the Government Hospital. However, the wound certificate has been issued by a private hospital. According to the learned counsel, there is therefore a contradiction between the complaint and the wound certificate.

- 3.3. On the above grounds, he submits that, since the incident did not occur in the manner alleged and the wound certificate itself is stated to have been issued by a private hospital, the proceedings initiated against the petitioners are liable to be quashed.
4. Notice having been issued to respondent No.2, though served, she has chosen to remain unrepresented.
5. Smt. Rashmi Patel, learned HCGP, would submit that:
- 5.1. There are several witnesses to the incident whose statements have been recorded and it is on the basis of the said material that the charge-sheet has been laid.
- 5.2. She supports the wound certificate issued and submits that the same is genuine and valid. Her contention is that the grounds urged by the



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petitioners are matters for consideration during trial. She further submits that, even in the present case, in the absence of any order of stay, the proceedings have continued, charges have been framed and the matter is presently posted for recording of evidence.

6. Heard Sri. Manjunath R. Swamy, learned counsel for the petitioners and Smt. Rashmi Patel, learned HCGP for respondent No.1. Perused papers.
7. The principal contention urged on behalf of the petitioners is that the incident has not occurred in the manner alleged by respondent No.2 and that the wound certificate relied upon by the prosecution is not genuine, it having been issued by a private hospital notwithstanding the reference in the complaint to the injured having been taken to a Government Hospital.
8. The aforesaid contentions essentially constitute the defence of the petitioners. The question as to whether the incident occurred in the manner alleged by respondent No.2, whether the version put forth by the petitioners is correct, and whether the wound certificate relied upon by the prosecution is genuine

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and reliable, would necessarily require appreciation of the evidence on record.

9. It is also relevant that the statements of several witnesses have been recorded during investigation in support of the prosecution case. Further, the petitioners themselves had lodged a complaint against respondent No.2 and her sons, pursuant to which investigation was conducted and a charge-sheet was laid. The said proceedings have also progressed to the stage of recording of evidence.
10. Thus, the material on record discloses two competing versions of the same occurrence. The petitioners contend that they were assaulted when they questioned the parking of the water tanker, whereas respondent No.2 has put forth a contrary version implicating the petitioners in the occurrence. The question as to which version is true and which version is not is essentially a matter for adjudication by the learned Trial Court upon appreciation of the evidence.
11. At this stage, this Court, while exercising jurisdiction under Section 528 of the BNSS, cannot undertake a detailed appreciation of the evidence or adjudicate upon disputed questions of fact which constitute the

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defence of the petitioners. The presence of material in the charge-sheet, including the statements of witnesses said to have witnessed the occurrence, is sufficient to hold that the matter requires adjudication in accordance with law.

12. In that view of the matter, no ground is made out for exercise of the inherent jurisdiction of this Court under Section 528 of the BNSS to quash the proceedings. The petition is accordingly liable to be dismissed.
13. As such, this Court passes the following;

ORDER

- i. Criminal petition is ***dismissed***.
- ii. Reserving liberty to the petitioner to adjudicate all defences before the trial Court.
- iii. In view of dismissal of the main petition, pending IA's does not survive for consideration. Hence, IA stands dismissed.

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(SURAJ GOVINDARAJ)
JUDGE

SR, List No.: 1 Sl No.: 14