



CNR: KAHC010243672021

NC: 2026:KHC:49064
CRL.P No. 5033 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.5033 OF 2021

BETWEEN:

1. SRI. MANJUNATHA
AGED ABOUT 33 YEARS
S/O SAMPANNA
RESIDING AT KACHKAKANHALLI
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT

...PETITIONER

(BY SRI. G.M. SRINIVASAREDDY, ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
REPRESENTED BY ITS STATION OFFICER
THIRUMASETTYHALLI POLICE STATION
THIRUMALASHETTYHALLI
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT

REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560001.

2. KUMARI SUSHMA
FEMALE POLICE CONSTABLE NO.1490
THIRUMALASHETTIHALLI POLICE STATION



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HOSAKOTE TALUK

(IMPLEADED VIDE ORDER DATED 14.07.2022)

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
R2 - SERVED UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR OR SET ASIDE THE SAID FIR IN CR.NO.58/2018 AND SET ASIDE THE PROCEEDINGS IN C.C.NO.791/2018 ON THE FILE OF THE HON'BLE JMFC, HOSAKOTE, BENGALURU RURAL DISTRICT BY ALLOWING THIS PETITION.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1.

2. The prayer of the petitioner is that while taking cognizance vide order dated 10.08.2018, the learned trial Judge has not considered the case of the petitioner.

3. Learned counsel for the petitioner brought to notice of this Court that while taking cognizance, the trial Judge has only mentioned that cognizance is taken and no reasons are



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assigned and even there is no application of mind whether there is material to proceed against the petitioner and the same is erroneous and bad in law.

4. The learned High Court Government Pleader for the respondent No.1 would submit that charge sheet is filed and the offences invoked are under Sections 353, 354(D), 504, 506, 507 and 509 of IPC. Having taken note of cognizance, issued NBW to the accused.

5. Having heard learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1, the order dated 10.08.2018 passed by the learned trial Judge while taking cognizance reads as hereunder:

"ORDER

Cognizance taken U/Sec. 190 (1) (a) Cr.P.C.,

Register the case in Register No. III as CC and issue SS/NBW to the accused as per dated 18.09.2018".

6. Having perused the order, the learned trial Judge has not applied his mind and ought to have applied his judicious mind whether it is a case for trial or not and whether material



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discloses that it is a case for trial and only passed an order in one sentence that cognizance is taken and did not examine the material. But, did not write detailed order and it requires application of mind whether it is a case to proceed for trial and the same is not found in the order. Hence, the order dated 10.08.2018 is liable to be set aside.

7. In view of the discussion made above, I pass the following:

ORDER

- (i) The criminal petition is ***allowed.***
- (ii) The order passed by the Principal Civil Judge and JMFC, Hosakote in C.C.No.791/2018 dated 10.08.2018 is hereby set aside and matter is remitted to the Trial Court to consider the charge sheet and pass appropriate order looking into the charge sheet material.

**Sd/-
(H.P.SANDESH)
JUDGE**

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List No.: 1 Sl No.: 46