



CNR: KAHC010302912026

NC: 2026:KHC:47455
CRL.P No. 6480 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 6480 OF 2026

BETWEEN:

1. SRI ARUN ALIAS ARUN KUMAR
SON OF RAMAKRISHNA
AGED ABOUT 37 YEARS
RESIDING AT NAVAGRAMA VILLAGE
RAJIVGHANDHI NAGAR
UTTARHALLI HOBLI
BANGALORE SOUTH TALUK
BANGALORE DISTRICT
KARNATAKA -560061

...PETITIONER

(BY SRI. AKKIMANJUNATH GOWDA K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KAGGALIPURA POLICE STATION
BENGALURU CITY
2. SMT RASHMI
WIFE OF NATARAJ
MAJOR IN AGE
RESIDING AT THATAGUPPE

Digitally
signed by
CHETAN B C

Location:
High Court
of Karnataka



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UTTARAHALLI HOBALI
BANGALORE SOUTH TALUK
BANGALORE DISTRICT - 560062
KARNATAKA

...RESPONDENTS

(BY SMT. DEEPTHI ALVA, HCGP FOR R1)

THIS CRL.P. IS FILED U/S 482 CR.P.C (U/S 528 BNSS)
PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
CC.NO.9749/2022, PENDING BEFORE THE 2nd ACJM COURT,
BANGALORE RURAL, BANGALORE AGAINST THE PETITIONER
FOR THE OFFENCES P/U/S 143,147,323,354,427,504,506 R/W
149 OF IPC, 1860.

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

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

ORAL ORDER

The petitioner is said to be accused No.5 is before this
Court calling in question the continuance of proceedings in
C.C.No.9749/2022 registered for the offences punishable under
Sections 143, 147, 341, 342, 346, 348, 364, 323, 504, 506
read with Section 149 of the IPC.



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2. Heard Sri. Akki Manjunath Gowda K., learned counsel appearing for the petitioner, Smt. Deepthi Alva, learned HCGP appearing for respondent No.1 and have perused the material on record.

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

The petitioner gets embroiled in a crime in Crime No.285/2014 for offences punishable as afore-quoted. The police conduct investigation and file a charge sheet for the offences again as afore-quoted. The concerned Court acquits accused Nos.1, 2, 3 and 6 who are available for trial and the petitioner not being available for trial, a split charge is drawn against him in C.C.No.9749/2022, which is now hanging on the head of the petitioner.

4. Learned counsel appearing before the petitioner submits that the reasons that went into acquitting accused Nos.1, 2, 3 and 6 would become straight away applicable to the petitioner as well. If it is a collective act, the learned counsel submits that the petitioner cannot be singled out for a different treatment.



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5. Learned HCGP would, however, refute the submissions contending that the petitioner has escaped trial. Therefore, he must be directed to face trial and come out clean like accused Nos.1, 2, 3 and 6 and would seek dismissal of the petition.

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

7. The afore-narrated facts are not in dispute. The issue before the Court relates to the offences as afore-quoted. The allegation is that all the accused together did indulge in the commission of the offence. The concerned Court answering the prosecution's allegations, acquitted accused Nos.1, 2, 3 and 6, who were available for trial on the following reasons:

"8. **Point No.1 to 8:** Since this eight points are inter related to avoid repetition of facts taken the together for common discussions:

The PW.1 is the complainant. In examination in chief this witness deposed that the CW.2 to 4 are her relatives and accused persons are acquaintance. 5-6 years back some oral conversation held between herself and accused persons in respect of finance matter. At that



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time she informed to police. Due to that the police have taken her signatures on two documents. She does not know what documents they are. This witness identified her signatures on complaint and mahazar. The complaint and mahazar got marked as Ex.P1 and Ex.P.2 and this witness signatures got marked as Ex.P1(a) and Ex.P.2(a). She does not know what is written in Ex.P.1 and Ex.P.2. This witness further deposed that the police have not draw the mahazar in her presence, the accused persons does not assaulted her, does not caused any loss and does not abused in filthy language to her and does not gave life threat. The Senior APP treated this witness as hostile and cross examined. In the cross examination this witness not gave any admission in favour of the prosecution. In the cross examination this witness admitted that she compromised the case with the accused persons.

9. The PW.2 is the eye witness. In examination in chief this witness deposed that he does not know the accused persons, he does not having any information pertaining to this case, the accused persons does not assaulted in deadly weapons, does not abused him in filthy language, does not gave life threat and does not cause any loss to him. The Senior APP treated this witness as hostile and cross examined. In the cross examination this witness not gave any admissions in favour of the prosecution. In the cross examination this witness statement got marked as Ex.P.3. In the cross examination this witness admitted that he compromised the case with the accused persons.

10. On perusal of entire evidence of PW.1 and 2, the PW1 is the complainant, PW.2 is the eye witness. This witness totally turned hostile to the prosecution case. The senior Assistant Public Prosecutor prays to issue summons to other witnesses. But on perusal of deposition of PW.1 and 2, it clearly noticed that the PW.1 and 2 are the main witnesses of this case and totally turned hostile to the prosecution case. In the cross examination made by the senior Assistant Public Prosecutor, these witness admitted that they compromised the case with the accused persons. Hence, when the main witnesses are totally turned hostile to the prosecution case, no purpose would served to issuance of summons to other witnesses and



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recording the evidence of other witnesses. Therefore, the prayer of senior Assistant Public Prosecutor is hereby rejected.

11. On perusal of deposition of PW.1 and 2 it is noticed that there is no incriminating evidence found against the accused persons. Hence, recording of statement of accused persons under section 313 of Cr.P.C. is dispensed with. On perusal of evidence of PW.1 and 2 there is no iota of truth in the prosecution story. Hence, I am of the opinion that, the prosecution utterly failed to prove the guilt of the accused No.1 to 3 and 6 beyond all reasonable doubt. Accordingly, I answer point No.1 to 8 in the '**negative**'.

12. **Point No.9:-** In view of the discussion made on above points, I proceed to pass the following:

:O R D E R:

The accused No.1 to 3 and 6 are found not guilty. Acting under section 248(1) of Cr.P.C., I hereby acquit the accused No.1 to 3 and 6 of the offences punishable under section 114, 143, 147, 323, 354, 427, 504, 506 read with 149 of IPC.

The bail bond of the accused No.1 to 3 and 6 and their surety stand canceled."

8. The reason so rendered by the concerned Court is that the prosecution has miserably failed to prove the guilt beyond all reasonable doubt. If that be the case against accused Nos.1, 2, 3 and 6 for passing an order of acquittal, it cannot be said that the petitioner would get convicted, if a trial is permitted on the same set of evidence. In that light, to save the precious judicial time, I deem it appropriate to exercise the



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jurisdiction under Section 482 of Cr.P.C. and obliterate the same.

9. The view of mine, in this regard, is fortified by the judgment rendered by a Co-ordinate Bench of this Court in Crl.P.4796/2017, wherein the Co-ordinate Bench considering identical set of facts has held as follows:

*"12. Having heard the learned Advocates appearing for parties and on perusal of records it would disclose that petitioner/accused was never traced and non-bailable warrant issued against him was never executed. Hon'ble Apex Court in the case of **CENTRAL BUREAU OF INVESTIGATION vs AKHILESH SINGH** reported in **AIR 2005 SCC 268** has held quashing of charge and order discharging co-accused can be passed, if the proceedings initiated against co-accused is on similar allegations and if said judgment had reached finality. It is also held that discharge of a co-accused by the High Court by holding that no purpose would be served in further proceeding with the case, is just and proper. In another ruling in **MOHAMMED ILIAS vs. STATE OF KARNATAKA** reported in **(2001) 3 Kant LJ 551** this Court has held as under:*

"The petitioner is the accused in the case and he is shown to be the absconding. Therefore, the case against the petitioner was split up and charge-sheet was laid against other available accused Nos.1 and 3 for committing an offence punishable under Sections 498A and 307 IPC r/w 34 Indian Penal Code, 1860. After the trial, the Sessions Judge acquitted the accused



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Nos.1 to 3. The petitioner was arrested and proceedings were revived against him in the split charge sheet.... In the instant case also, the full pledged trial was held against accused Nos.1 to 3, in respect of the same offence. In the second round of trial against the petitioner, the evidence to be produced cannot be different from the one that was produced by the prosecution in the earlier case. Therefore, in that view of the matter, the proceeding is quashed."

13. Yet, in another ruling **THE STATE OF KARNATAKA vs. K.C.NARASEGOWDA** reported in **ILR 2005 Kar. 1822** this Court has held to the following effect:

"As the case before the Sessions Judge is not a pending case, he cannot keep the file any longer pending nor he can close the case as he has to await appearance of the accused or the production by the State, for passing orders regarding undergoing sentence. As such, considering these peculiar facts and circumstances, it is deemed proper to exercise the inherent jurisdiction under Section 482 of Cr.P.C. instead of jurisdiction under Section 385 of Cr.P.C. in the interest of justice. As the entire material evidence of the prosecutions is one and the same, as against all the accused including the non-appealing accused No.1, who is said to be absconding, there is no second opinion that he is also entitled for the same benefit of doubt as he is extended for his



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co-accused. Accused acquitted by giving benefit of doubt."

14. In this background, when the facts on hand are examined, it would clearly indicate that not only complainant but also other witnesses including the inmates of ambulance in which they were travelling on the date of incident, had turned hostile in the proceedings which was continued against co-accused. Though, P.W.1 – complainant had admitted that he has lodged a compliant as per Ex.P-1 and had also admitted that he has given a statement identifying the accused before the Investigation Officer, he did not identify the accused persons present before Court. In fact, statements given by him as per Exs.P-2 to P-4 when confronted, he denied the same and had also denied the suggestion put by the public prosecutor that he had furnished the statements as per Exs.P-2 to P-4 as false. P.W.2 to P.W.8 had not identified the accused persons present before the jurisdictional Sessions Court. In fact, they have not even identified the statements made by them before the Investigating Officer and nothing worthwhile has been elicited in their cross-examination to disbelieve their evidence. Thus, taking into consideration said evidence available on record Sessions Court had arrived at a conclusion that evidence of the witnesses examined by prosecution would not come to their assistance. In fact, witnesses to the seizure panchnama - Ex.P-40, who were examined as P.W.16 and P.W.17, have also turned hostile and they have stated that police had called them a year back to the police station and when they went to the police station, they had not seen any accused persons in police station. However, they admit police having taken their signatures on the papers and contents of it were not known to them.



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15. *It is in this background, trial Court on appreciation of entire evidence had acquitted all the accused persons by holding that prosecution had failed to prove the offence alleging accused persons beyond reasonable doubt attracting the ingredients of provisions of the offence alleged against them. In fact, Sessions Court has observed that there was certain communal disturbance in Dakshina Kannada district and other places at Bantwal Taluk and to please on community of people, the Investigating Officer might have falsely implicated the accused persons in a false case or to avoid the blame to be received from the public or other community people and such possibilities cannot be ruled out. In this background, when prayer of petitioner sought for in the present petition is examined, it can be noticed that contents of supplementary charge sheet filed against the petitioner is similar, identical and in fact, it is replica of charge made against accused Nos.1 to 23 and 25 to 33, who15 were tried in S.C.No.12/2007, 94/2007 and 26/2008 and had been acquitted.*

16. *In that view of the matter, this Court is of the firm view that judgment rendered by trial Court insofar as it relates to accused Nos.1 to 23 and 25 to 33 is similar and identical to the charge made against the present petitioner. This Court does not find any independent or separate material having been placed by the prosecution against present petitioner to put him on trial once again and directing the petitioner-accused to undergo the order of trial, which ultimately would fetch same result as that of accused Nos.1 to 23 and 25 to 33. When allegation made against accused Nos.1 to 23 and 25 to 33 is compared with the allegation made against present petitioner, it has to be necessarily held that they are identical, similar and inseparable in nature and no independent decision can be taken against the*



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present petitioner. Therefore, no purpose would be served even if the present petitioner is ordered to be tried by the trial Court.

*17. In view of the afore stated facts and the law laid down, as discussed hereinabove, it would emerge that there would be no harm or injustice that would be caused to prosecution if benefit of acquittal order is passed in favour of accused – petitioner, since accused Nos.1 to 23 and 25 to 33 against whom similar allegation had been made is already acquitted. Though, it is contended by Sri. Rachaiah, learned HCGP appearing for the State that petitioner should not be extended said benefit, since he is an absconder, by relying upon judgment of Coordinate Bench this Court is not inclined to accept said contention for single reason that said judgment had been rendered based on the judgment of Apex Court in the case of **DEEPAK RAJAK vs. STATE OF WEST BENGAL** reported in **(2007) 15 SCC 305** where under Apex Court after noticing the facts obtained in the said case, had held that benefit of acquittal, should be extended to the appellant, since co-accused had been acquitted and held that a departure can be made in cases where accused has not surrendered "**after conviction**" in addition to not filing an appeal against the conviction. As such, noticing earlier position of law laid down it was held by the Apex Court that in case of acquittal of a accused for same offence on same set of facts and on similar accusations, if considered, it would entitle for acquittal of co-accused also.*

18. In that view of the matter, present proceedings initiated against petitioner is liable to be quashed.

Hence, I proceed to pass the following:

ORDER



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(i) Criminal petition is hereby allowed.

(ii) Proceedings in C.C.No.1170/2007 pending on the file of Addl. Civil Judge & JMFC, Bantwal, in Cr.No.130/2006 registered by Bantwal Rural Police Station, is hereby quashed insofar petitioner is concerned.

In view of criminal petition having been disposed of on merits, I.A.No.1/2017 for stay does not survive for consideration and same stands rejected."

The Co-ordinate Bench was considering a case where the co-accused who had escaped trial had not surrendered or was not arrested by the police.

10. In the light of there being no evidence against accused Nos.1, 2, 3 and 6 and the split up charge against the petitioner being tried now before the learned Sessions Judge would become an exercise in futility. In the teeth of there being no evidence or a specific charge against this petitioner, that was not charged against accused Nos.1, 2, 3 and 6, I deem it appropriate to obliterate the proceedings against the petitioner.

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

ORDER

i. Criminal Petition is allowed.



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- ii. Proceedings in C.C.No.9749/2022 pending before the 2nd Additional Chief Judicial Magistrate Court, Bangalore Rural, Bangalore, stand quashed, *qua* the petitioner.

Sd/-
(M.NAGAPRASANNA)
JUDGE

SJK
List No.: 2 SI No.: 12