



CNR: KAHC010370182023

NC: 2026:KHC:49436
CRL.P No. 6637 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 6637 OF 2023

BETWEEN:

SHALINI M.S
D/O SHIVALANGAIAH
AGED ABOUT 22 YEARS
R/O MUDIGIRIPALYA VILLAGE
HUTRIDURGA HOBLI
KUNIGAL TALUK
TUMKURU DISTRICT - 572 130.

...PETITIONER

(BY SRI HARSHI SRIRALAKOPPA, ADV., FOR
SRI VIKYATH B, ADV.)

AND:

1. STATE OF KARNATAKA
BY KUNIGAL P.S
REP SPP, HIGH COURT BUILDING
BANGALORE - 560 001.
2. MAHESH K.S
S/O SHANKARAPPA
AGED ABOUT 40 YEARS
KODIHALLI PALYA
KOTTAGERE HOBLI
KUNIGAL TALUK
TUMAKURU - 572 130.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;
R-2 SERVED)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE
ENTIRE PROCEEDINGS IN S.C.NO.69/2023 IN CR.NO.262/2021 OF
KUNIGAL P.S., ON THE FILE OF VI ADDL.DISTRICT AND SESSIONS
JUDGE, TUMKUR FOR THE OFFENCE P/U/S 395,397 AND 120(B) OF
IPC.

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.7 is before this Court in this petition filed under Section 482 of Cr.P.C. with a prayer to quash entire proceedings in SC No.69/2023 pending before the Court of VI Addl. District and Sessions Judge, Tumakuru, arising out of Crime No.262/2021 registered by Kunigal Police Station, Tumakuru, for the offences punishable under Sections 120B, 395 and 397 of IPC.
2. Heard the learned counsel for the parties.
3. Learned counsel for the petitioner submits that except the confession statement of the co-accused, there is absolutely no material to connect the petitioner to the crime. Petitioner is a lady and pendency of proceedings has been causing untold hardship to her.
4. Per contra, learned HCGP, who has opposed the petition submits that charge sheet material would reveal that in



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addition to the confession statement of the co-accused, there is recovery in the present case from the possession of the petitioner. Therefore, petition is liable to be dismissed.

5. FIR in the present case was registered against unknown persons for the offence punishable under Section 394 of IPC. During the course of investigation, petitioner and other accused were arrested and after completing investigation, charge sheet is filed against seven persons and petitioner is arraigned as accused No.7 in the charge sheet.

6. Material on record would go to show that petitioner conspired with her friend accused No.1 to commit the crime and she had given information that on 07.10.2021, injured victim Byresh would be alone in the house. Petitioner, who was acquainted to the mother of Byresh, had contacted her over phone and after collecting information had passed the same to her friend/accused No.1, who thereafter along with the other accused persons had followed Byresh on the alleged date of incident and when he came out of his house to attend nature call, they had assaulted him and thereafter, entered this house



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and robbed gold articles weighing 150 grams, silver articles weighing 520 grams and cash of Rs.15,000/- and thereafter, escaped from the spot. Subsequently, the robbed gold and silver articles were pledged and the sale proceeds were handed over to the petitioner, who had deposited a portion of the amount in her bank account. The said amount has been recovered at her instance in the present case. Under the circumstances, it cannot be said that there is absolutely no material as against the petitioner in the present case except the confession statement of co-accused. Under the circumstances, I am of the opinion that it is not a fit case for exercising extra ordinary powers under Section 482 of Cr.P.C. Accordingly, the petition is ***dismissed***.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

DN