



CNR: KAHC010440762026

NC: 2026:KHC:49778
CRL.P No. 9356 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF SEPTEMBER, 2026
BEFORE**

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.9356 OF 2026

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. MAHADEVA ALIAS PUTTASWAMY
S/O TOPEGOWDA
AGED 56 YEARS
R/O BINDAHALLI VILLAGE
PANDAVAPURA TALUK
MANDYA DISTIRCT-571428.
2. MADHU
S/O MAHADEVU
AGED 32 YEARS
R/O BINDAHALLI VILLAGE
PANDAVAPURA TALUK
MANDYA DISTIRCT-571428.
3. ABHISHEK D. ALIAS ABHI
S/O DEVARAJU
AGED 25 YEARS
R/O BINDAHALLI VILLAGE
PANDAVAPURA TALUK
MANDYA DISTIRCT-571428.



...PETITIONERS

(BY SRI. PRAMOD R., ADVOCATE)

AND:

1. THE STATE BY
K.R. SAGARA POLICE STATION
REPRESENTED BY S.P.P.

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RAMNATH HEGDE



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HIGH COURT OF KARNATAKA
BANGALORE-560001.

2. PRADEEPA H.N.
S/O NEGEGOWDA
AGED MAJOR
HOSAYERAGANAHALLI VILLAGE
PANDAVAPURA TALUK
MANDYA -571428.

...RESPONDENTS

(BY SRI. M.V. ANOOP KUMAR, ADDL. SPP FOR R1)

THIS CRL.P. IS FILED UNDER SECTION 528 OF BHARATHIYA NAGARIKA SURAKSHA SANHITHA, PRAYING TO ALLOW THE PETITION AND QUASH THE CHARGE SHEET DATED 07.08.2025 FILED IN C.C.NO.13/2026 ON THE FILE OF SENIOR CIVIL JUDGE AND J.M.F.C., AT PANDAVAPURA, MANDYA FOR AN OFFENCE P/U/S. 118(1), 352 READ WITH SECTION 3(5) OF BNS ACT, ETC.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. Heard the learned counsel appearing for the petitioners and the learned Additional Special Public Prosecutor for respondent No.1.

2. The petition is filed seeking to quash the proceedings and charge sheet in C.C.No.13/2026 before the JMFC, Pandavapura,

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Mandya for the offences punishable under Sections 118(1), 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel appearing for the petitioners would invite the attention of the Court to the contents of the complaint dated 07.08.2025 filed by respondent No.2.

4. The Court has perused the said complaint.

5. In the said complaint, it is alleged that on 06.08.2025, the complainant had gone to the agricultural land of Sheelamma and saw the water pipes scattered on the land. When the complainant was about to arrange those water pipes, the children of Mahadev namely, Madhu, Manu and Abhi, son of Devaraj came to the spot and asked the complainant as to why he was arranging the pipes and started abusing him.

6. It is alleged in the complaint that Manu, Madhu and Abhi, held the complainant and dragged him to the road and took the pipe and put it around the neck of the complainant. It is further alleged that the complainant fell down and thereafter Mahadev hit him with a stone on his waist. It is also alleged

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that the stone hit on his knee and Manu allegedly has assaulted the complainant with a club on his waist.

7. It is further stated that a life threat has been given to the complainant. Two persons by name Raje Gowda and Narasimhe Gowda rescued the complainant. It is further stated by the complainant that he was taken in an ambulance to a hospital in Pandavapura and was given treatment. Later, he was taken to Pralaksha Hospital, Mysuru for further treatment.

8. Learned counsel appearing for the petitioners referring to the contents of the complaint and also the charge sheet would submit that though there is an allegation of assault by Manu, he has been dropped in the charge sheet. The wound certificate does not tally with the assault alleged in the complaint. Thus would urge that there are discrepancies and for this reason, the petition has to be allowed and the proceedings has to be quashed.

9. Learned Additional SPP would oppose the petition on the ground that the complaint would disclose cognizable offences and after investigation, the charge sheet has been filed.

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According to the prosecution, there are three eye witnesses who have witnessed the incident. The contentions raised in the petition are based on disputed facts and they have to be tried. Merely because one person is not named in the charge sheet, it does not mean that the proceedings has to be quashed. The person by name Manu is not named in the charge sheet, as the eye witnesses have not spoken about his presence.

10. The Court has considered the contentions raised at the bar and perused the records.

11. From the complaint, it is apparent that a person by name Manu is named in the complaint as the person who has assaulted the complainant along with others. However, the eye witnesses have not supported the case of the prosecution, as such, Manu is not named in the charge sheet. That by itself would not mean that the alleged incident has not taken place.

12. It is relevant to note that, in the complaint, there is an allegation that the persons named in the charge sheet abused and assaulted the complainant. There may be a slight variation in the statement made in the complaint and the wound



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certificate. That by itself is not a ground to quash the proceedings at this stage. The matter requires trial.

13. Hence, the criminal petition is ***dismissed***.

14. The observations made in this order are confined only to the merits of the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and not on the merits of the proceeding before the Trial court.

15. All contentions are kept open.

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RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

hkh.

List No.: 1 Sl No.: 10