



CNR: KAHC010512672026

NC: 2026:KHC:52842
CRL.P No. 11229 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 11229 OF 2026

BETWEEN:

1. MANGALAMMA
D/O LATE CHIKKANAYAKA
AGED ABOUT 53 YEARS,
R/AT HOSAPURA VILLAGE,
T.N.PURA TALLUKU, MYSURU DISTRICT.
2. ANANDA
S/O LATE CHIKKAYAKA
AGED ABOUT 34 YEARS,
R/AT HOSAPURA VILLAGE,
T.N.PURA TALLUKU, MYSURU DISTRICT.
3. VANI @ MINAKSHI,
D/O JAYASHANKARA,
AGED ABOUT 38 YEARS,
R/AT HOSAPURA VILLAGE,
T N PURA TALUKU, MYSORE DISTRICT.

...PETITIONERS

(BY SRI SWAMY H N, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY REPRESENTATION
BY SSP HIGH COURT OF KARNATAKA
STATE OF KARNATAKA BY
T.NARASIPURA POLICE STATION,
T.NARASIPURA TALUK, MYSURU DISTRICT.

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2. SMT JAYAMMA,
W/O LATE KEMAPANAIKA,
AGED ABOUT 75 YEARS,
R/AT HOSAPURA VILLAGE,
T N PURA TALLUKU,
MYSURU DISTRICT.

...RESPONDENT

(BY SRI NAGHARISH G S, HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE PRECEDING ALSO PLEASED TO QUASH THE FIR AND CHARGE SHEET IN CC NO. 360/2026 PERTAINING TO T.NARASIPURA POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTION 115(2), 74, R/W 3(5) OF BNS PENDING ON THE FILE THE HONBLE PRL. CIVIL JUDGE (SR. DN) AND J.M.F.C. COURT, T.NARASIPURA.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioners.

2. Learned High Court Government Pleader accepts notice for respondent No.1-State.

3. This petition is filed to quash the proceedings in C.C. No.360/2026 pending before the Chief Judicial Magistrate Court, T. Narasipura. The offences alleged are under Section

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115(2), 74 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 ('BNS').

4. Learned counsel for the petitioner would submit that the complainant/second respondent is aged 75 years and bed ridden. Thus, the contention that there was a scuffle or altercation cannot be accepted. It is his further submission that the witnesses cited in the charge sheet are the witnesses from the neighboring village and their statement cannot be accepted.

5. It is also the contention that if the alleged head injury has taken place on the date of the alleged incident at 8 'O' clock in the morning, the victim could not have gone to the hospital at 03.55 p.m. in the afternoon.

6. Learned High Court Government Pleader would submit that there are eye witnesses to the incident. The complainant has gone to the hospital, she has taken treatment, wound certificate is produced and would certificate reflects the injuries. Thus, would contend that the petition has to be dismissed and there has to be a trial.

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7. The Court has considered the contentions raised at the Bar and perused the records.

8. Merely because the complainant is aged 75 years and bed ridden, one cannot jump to the conclusion that the alleged incident has not taken place. The contention is that complainant is the victim. The contention is the complainant was assaulted and she has gone to the hospital, to take treatment. If there is a delay in going to the hospital by few hours that cannot be the ground to quash the proceedings.

9. Learned counsel for the petitioner would also submit that before the police the complainant has given a further statement that some of the allegations made in the complaint are incorrect. The Court is of the view that statement cannot be accepted at this stage, as there is a statement before the Magistrate wherein she has alleged that the incident has taken place. The disputed questions of facts raised by the petitioners in this petition cannot be considered in this petition.

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10. All the contentions are to be considered after the trial. Petition is ***dismissed.***

11. It is made clear that observations made in this petition are only confined to the merits this the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. All contentions kept open are to be adjudicated before the Trial Court.

13. Trial Court shall decide the matter on merits without being influenced by the dismissal of this petition.

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 16