

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

R

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO. 13292 OF 2025

BETWEEN:

1. SAYEESH V
S/O LATE VENKATAIAH GOWDA,
AGED ABOUT 52 YEARS,
R/AT VAGALE, THAMMADAVALLI VILLAGE,
HOSAKOPPA POST, KOPPA TALUK,
CHIKKAMAGALURU DIST - 577126.
2. VISHMA SHREE
W/O SAYEESH V
AGED ABOUT 37 YEARS,
R/AT VAGALE, THAMMADAVALLI VILLAGE,
HOSAKOPPA POST, KOPPA TALUK,
CHIKKAMAGALURU DIST - 577126.
3. VINUSHREE
W/O ARAVIND H.D
AGED ABOUT 35 YEARS,
R/AT NIDNAHALLI VILLAGE,
GABGAL POST, MUDIGERE TALUK,
CHIKKAMAGALURU DIST - 577113.
4. ARAVIND H.D
S/O H.T DEVEGOWDA
AGED ABOUT 40 YEARS,
R/AT NIDNAHALLI VILLAGE,
GABGAL POST, MUDIGERE TALUK,
CHIKKAMAGALURU DIST - 577113.
5. SANJEEVA PRASADA
S/O LATE HALEGOWDA,
AGED ABOUT 45 YEARS,
R/AT HALEKERE VILLAGE,
GONIBEEDU HOBBI, MUDIGERE TALUK,

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CHHIKKAMAGALURU DIST - 577132.

6. S.E MOHAN KUMAR
S/O S.P EREGOWDA
AGED ABOUT 51 YEARS,
R/AT URUBAGE VILLAGE,
GONIBEEDU HOBLI, MUDIGERE TAJUK,
CHIKKAMAGALURU DIST - 577132.
7. S. A VASUDEVA
S/O LATE S.K ANNEGOWDA,
AGED ABOUT 62 YEARS,
R/AT URUBAGE VILLAGE
SATHIGANAHALLI, MUDIGERE TALUK,
CHIKKAMAGALURU DIST - 577132.
8. M. M. RAMESH,
S/O LATE MANJE GOWDA,
AGED ABOUT 68 YEARS,
R/AT KOODIGE ESTATE,
MUDASASI VILLAGE, MUDIGERE TALUK,
NANDIPURA POST, CHIKKAMAGALURU - 577132.
9. SHYAMALA
W/O LATE JAGADISHA
AGED ABOUT 64 YEARS,
R/AT BILLURU KADIDALU VILLAGE,
MUDIGERE TALUK,
CHIKKAMAGALURU - 577132.
10. PUTTASWAMY GOWDA,
S/O LATE ANNEGOWDA P.K,
AGED ABOUT 70 YEARS,
R/AT BILLURU KADIDALU VILLAGE,
BANAKAL HOBLI, MUDIGERE TALUK,
CHIKKAMAGALURU-577113.
11. SHEKARA K.T.
S/O LATE THOLAMALLAPPA,
AGED ABOUT 55 YEARS,
R/AT BILLURU KADIDALU VILLAGE,
BENAKAL HOBLI, MUDIGERE TALUK,
CHIKKAMAGALURU DIST-577113.

12. PREMA S.A,
W/O PUTTASAMEGOWDA,
AGED ABOUT 56 YEARS,
R/AT BILLURU KADIDALU VILLAGE,
MUDIGERE TALUK, CHIKKAMAGALURU DIST-577113.

13. CHETHAN,
S/O LATE BHEEMEGOWDA K.S
AGED ABOUT 54 YEARS,
R/AT KALLUGUDDE VILLAGE,
ANURU POST, VASTHARE HOBLI,
CHIKKAMAGALURU TALUK AND DIST-577101.

...PETITIONERS

(BY SRI. GIRISH B. BALADARE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY BANAKAL POLICE STATION,
CHIKKAMAGALURU DISTRICT-577101.

REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS,
BANGALORE- 560001.

2. MANJUNATHA. M
S/O LATE MENASEGOWDA,
AGED ABOUT 75 YEARS,
R/AT BILLUR VILLAGE,
BANAKAL HOBLI, MUDIGERE TALUK,
CHIKKAMAGALURU DIST – 577113.

...RESPONDENTS

(BY SRI. B.N. JAGADEESHA, SPECIAL PUBLIC PROSECUTOR
FOR R1;

SRI. SANCHAN JAINANDAN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS)
CR.P.C PRAYING TO QUASH THE ENTIRE CRIMINAL
PROCEEDINGS REGISTERED BY BANAKAL POLICE STATION AT
CHIKKAMAGALURU DISTRICT IN CR.NO.0010/2025 FOR THE
OFFENCE P/US/ 115(2), 117(2), 189(2), 190, 191(1), 191(2),

329(3), 351(2), 351(3), 352 OF BNS 2023 AS PER ANNEXURE-A AND THE SAME IS PENDING BEFORE ADDL. CIVIL JUDGE AND JMFC AT MUDIGERE, CHIKKAMAGALURU DISTRICT IN C.C.NO.2020/2025.

THIS PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 23.09.2026, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CAV JUDGMENT

The petitioners, who are accused in C.C.No.2020/2025 pending before the jurisdictional Court, have invoked the inherent jurisdiction of this Court seeking quashing of the entire proceedings in the said case for the offences punishable under Sections 115(2), 117(2), 189(2), 190, 191(1), 191(2), 329(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS").

2. Heard the learned counsel appearing for the petitioners, the learned Special Public Prosecutor appearing for the State and the learned counsel appearing for respondent No.2/complainant. Perused the material placed before the Court.

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3. The genesis of the proceedings lies in an incident which resulted in registration of two criminal cases arising out of the same occurrence. Crime No.10/2025 came to be registered against the petitioners. The petitioners contend that the occurrence was in fact one involving an assault by respondent No.2 and that the petitioners themselves sustained injuries and were required to be admitted to the hospital. According to the petitioners, notwithstanding the injuries suffered by them and the counter version put forward by them, respondent No.2 lodged the complaint resulting in registration of the present crime.

4. The petitioners further contend that, in respect of the very same occurrence, a counter-crime came to be registered against respondent No.2. The investigation in Crime No.10/2025 was conducted by a Police Inspector and, after completion of investigation, a charge-sheet came to be filed. The connected Crime No.11/2025 was, however, investigated by a Police Sub-Inspector and a separate charge-sheet was filed therein.

5. Thus, what emerges from the records is that the two crimes are not independent occurrences. They arise out of the same incident and constitute a case and counter-case between the rival factions. The petitioners' specific grievance is not merely that the allegations made against them are false, but that the two versions of the same occurrence have been investigated separately by two different Investigating Officers, resulting in two independent final reports.

6. It is also the contention of the petitioners that, on the basis of the very same occurrence, respondent No.2 had earlier approached this Court seeking quashing of the proceedings instituted against him. The said petition was not pursued and came to be withdrawn. The petitioners submit that the registration and investigation of the counter-case, coupled with the injuries sustained by them and their hospitalisation, demonstrates that the occurrence was a bilateral incident requiring a comprehensive investigation into both versions.

7. The State and respondent No.2, on the other hand, submit that the existence of a case and counter-case by itself cannot constitute a ground for quashing criminal proceedings. It is contended that both crimes were duly investigated and charge-sheets have been filed. According to them, the allegations and the defence of the respective parties are matters which ought to be considered by the jurisdictional Court during trial and not in exercise of the inherent jurisdiction of this Court.

8. Learned counsel for respondent No.2 would further contend that the charge-sheet filed in the connected crime has not been independently challenged and, therefore, the petitioners cannot seek any relief in respect of the said proceedings.

9. Since the offences alleged in the present proceedings are under the BNS, the investigation and other criminal procedure are governed by the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"). Section 4 of the BNSS expressly provides that offences

under the BNS shall be investigated, inquired into, tried and otherwise dealt with in accordance with the provisions of BNSS.

10. Section 173 of BNSS deals with information relating to cognizable offences and the registration of such information. Section 175 confers power upon the officer in charge of a police station to investigate a cognizable case. Section 176 prescribes the procedure to be followed in investigation. Section 180 deals with examination of witnesses by the police, while Section 181 deals with the use of statements made to the police. Section 192 provides for maintenance of the case diary and Section 193 deals with the report of the police officer on completion of investigation.

11. Section 193 of BNSS therefore constitutes the statutory stage at which the result of the investigation is placed before the competent Magistrate by way of the police report. The fact that a police report has already been submitted does not, however, render an investigation

immune from scrutiny where the very manner in which the investigation has been conducted is shown to be contrary to the requirements of a fair and comprehensive investigation.

12. The present petition is founded on the inherent jurisdiction of this Court. In cases governed by BNSS, the corresponding provision is Section 528, which preserves the inherent powers of the High Court to make such orders as may be necessary to give effect to an order under BNSS, to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Where proceedings are governed by the erstwhile Code of Criminal Procedure, the corresponding provision is Section 482 thereof.

CASE AND COUNTER-CASE — REQUIREMENT OF COMPREHENSIVE INVESTIGATION

13. The question which arises for consideration is not whether the allegations contained in the charge-sheet are ultimately true. The immediate question is whether, when two FIRs admittedly arise from the same occurrence and constitute a case and counter-case, the State can

permit the two versions to be investigated by two different Investigating Officers and thereafter place two separate investigative narratives before the criminal Court.

14. The answer must necessarily be found in the settled principles governing investigation of case and counter-case.

15. The Hon'ble Supreme Court in ***State of M.P. v. Mishrilal (Dead) and Others***¹, while dealing with cross-cases arising from the same occurrence, emphasised the obligation of the investigating agency to ascertain the genesis of the occurrence and to endeavour to separate truth from falsehood. The Hon'ble Supreme Court also reiterated the necessity of having both cases dealt with by the same Court so as to avoid conflicting conclusions concerning the very same occurrence.

16. The rationale underlying the principle is fundamental. Where two rival complaints emanate from one occurrence, both versions cannot be examined in

¹ (2003) 9 SCC 426

isolation. The injuries suffered by one side, the presence of the members of both groups, the genesis of the quarrel, the manner in which the occurrence commenced, the overt acts attributed to each party, the medical evidence and the question as to whether either side acted in exercise of a right of private defence are all interlinked questions.

17. If these matters are investigated separately by two different Investigating Officers, there is a real possibility that each investigation may proceed on the assumption that the version contained in the particular FIR is the complete account of the occurrence. Such fragmented investigation may result in omission of material relating to the counter-version, non-explanation of injuries suffered by the opposite party and presentation of two incompatible narratives before the trial Court.

18. This Court, in ***Abdul Majid Sab and Others v. State of Karnataka by Ripponpete Police***², had specifically emphasised that in a case and counter-case the Investigating Officer is required to place before the

² ILR 2010 KAR 1719

Court the material pertaining to both cases and explain the genesis of the occurrence, including whether the incident was a free fight, whether both sides were aggressors or whether one side was the aggressor and the other acted in exercise of the right of private defence.

19. The principle was subsequently reiterated in decisions of this Court. The State Government had also issued instructions requiring investigation of case and counter-case by the same Investigating Officer. The purpose of such direction is not to confer any advantage upon either side but to ensure that the investigation remains comprehensive, impartial and directed towards discovering the truth of the entire occurrence.

20. More recently, in ***Sri Shivaraja v. State of Karnataka***³, this Court was confronted with the very question arising in the present proceedings. Two crimes had arisen out of a solitary incident and were investigated by different Investigating Officers. This Court, after considering ***State of M.P. v. Mishrilal, Nathi Lal v.***

³ CrI.P.No.10272 of 2026 Dtd: 21.07.2026

State of U.P. and the principles stated in **Abdul Majid Sab** (supra), held that such investigation by different Investigating Officers runs contrary to the settled procedure governing case and counter-case. The Court consequently quashed the proceedings and directed de novo investigation in both crimes by one and the same Investigating Officer.

21. Significantly, in **Sri Shivaraja** (supra), this Court did not treat the filing of charge-sheets as curing the defect in the investigation. On the contrary, the investigation already conducted by two different Investigating Officers was obliterated and de novo investigation was directed from the stage of investigation itself. The Court further directed that such de novo investigation be completed within three months and left all contentions open.

APPLICATION OF THE LAW TO THE PRESENT CASE

22. The learned SPP whose assistance was sought fairly submitted that the absence of a separate challenge

to the charge-sheet in the connected counter-case would not denude this Court of its inherent jurisdiction to mould the relief, when the very foundation of both prosecutions is found to suffer from the same investigative infirmity.”

23. In the present case, the existence of a case and counter-case is not in serious dispute. Crime No.10/2025 and Crime No.11/2025 arise out of the same occurrence. The parties are rival factions to the incident. The petitioners assert that they sustained injuries and were hospitalised. The counter-version resulted in registration of the connected crime against respondent No.2.

24. The crucial fact, which assumes significance, is that Crime No.10/2025 was investigated by a Police Inspector, whereas Crime No.11/2025 was investigated by a Police Sub-Inspector. Both Investigating Officers have independently completed investigation and filed separate charge-sheets.

25. Therefore, the defect complained of by the petitioners is not a mere irregularity in the appreciation of

evidence. It concerns the very structure of the investigation. The two versions of one occurrence were required to be examined together so that the Investigating Officer could determine the genesis of the occurrence, collect the medical evidence relating to both sides, record statements of witnesses from both factions, examine the scene of occurrence in the light of both versions and place the complete factual matrix before the competent Court.

26. The fact that there is *prima facie* material in the charge-sheet against the petitioners cannot, by itself, answer this objection. The existence of *prima facie* incriminating material and the legality and comprehensiveness of the investigation are two distinct questions. The Court is not, at this stage, recording any finding on the truthfulness of the allegations against the petitioners.

27. Equally, the fact that the petitioners seek quashing of the proceedings in C.C.No.2020/2025 cannot prevent this Court from examining the connected counter-

case. Once the Court finds that both proceedings arise out of one occurrence and that the investigation of the two cases has been conducted by different Investigating Officers, any effective direction concerning the defect necessarily has to operate upon both investigations. Otherwise, one half of the occurrence would continue to rest upon an investigation which this Court has found to be procedurally unsustainable.

28. The submission that the connected charge-sheet has not been separately challenged therefore cannot be accepted as a bar to moulding the relief. The exercise of inherent jurisdiction is directed towards securing the ends of justice and preventing abuse of the process of Court. The power is not confined to the precise form of relief sought when the material on record demonstrates that a consequential direction concerning the connected proceedings is necessary to make the ultimate relief effective.

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29. At the same time, this Court is not expressing any opinion regarding the culpability or innocence of either faction. It would be wholly inappropriate for this Court, while exercising jurisdiction under Section 528 of BNSS, to determine which of the two versions is true. That determination must follow a lawful, fair and comprehensive investigation and such further proceedings as may thereafter be warranted in accordance with law.

30. The present case, therefore, falls within the principle laid down in ***Sri Shivaraja*** (supra). The investigation in Crime Nos.10/2025 and 11/2025, having been conducted by two different Investigating Officers despite the crimes arising out of the same occurrence, cannot be permitted to form the foundation for two parallel prosecutions.

31. This Court is conscious that the inherent jurisdiction under Section 528 of BNSS is extraordinary and is required to be exercised sparingly. Ordinarily, where a case and counter-case exist and the allegations

disclose prima facie commission of offences, the Court would not embark upon an appreciation of evidence or conduct a mini-trial. However, the present intervention is not founded upon appreciation of the merits of the allegations. It is founded upon a demonstrable defect in the manner in which the two connected investigations were conducted.

32. The object of directing *de novo* investigation is also not to enable either side to improve upon its case. The fresh Investigating Officer shall independently examine both versions, collect all available evidence, consider the material already collected, obtain and examine medical records of the injured persons on both sides, record statements of material witnesses, examine the scene of occurrence and thereafter arrive at an independent conclusion in accordance with law.

33. The *de novo* investigation shall therefore be conducted without being influenced either by the earlier charge-sheets or by any observations contained in this

order regarding the factual merits of the rival versions. All contentions of all parties shall remain open.

34. For the reasons recorded above, this Court is of the considered view that continuation of the proceedings on the basis of two separate investigations conducted by two different Investigating Officers in respect of the same occurrence would not advance the cause of a fair trial. The defect is required to be rectified at the investigative stage itself.

35. Consequently, the proceedings in C.C.No.2020/2025 are liable to be quashed. Since the connected Crime No.11/2025 arises from the very same occurrence and forms the counter-case, the investigation therein also cannot be permitted to proceed on the basis of the separate investigation already conducted. A consequential direction for *de novo* investigation in both crimes by one and the same Investigating Officer is therefore warranted.

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36. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The criminal petition is ***allowed***;

(ii) The proceedings pending in C.C.No.2020/2025, arising out of Crime No.10/2025, for the offences punishable under Sections 115(2), 117(2), 189(2), 190, 191(1), 191(2), 329(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023, pending before the Additional Civil Judge and JMFC at Mudigere, Chikkamagaluru District, are hereby quashed.

(iii) Since Crime No.11/2025 is the counter-case arising out of the very same occurrence, the investigation and consequential proceedings arising therefrom, to the extent founded upon the investigation conducted by the separate Investigating Officer, are also set aside.

(iv) The State shall entrust Crime Nos.10/2025 and 11/2025 to one and the same Investigating Officer, preferably an officer not

below the rank of Police Inspector, who shall conduct *de novo* investigation in both the crimes conjointly, in accordance with law.

(v) The Investigating Officer shall, while conducting the *de novo* investigation, consider the entire occurrence as one transaction and shall, in particular:

a. examine the genesis and sequence of the occurrence;

b. record and consider the statements of material witnesses from both sides;

c. collect and examine the medical records and wound certificates relating to the injured persons on both sides;

d. collect and consider the scene-of-occurrence, forensic and other relevant material;

e. examine the overt acts attributed to each of the persons involved;

f. ascertain whether the occurrence constitutes a free fight, whether either side was the aggressor, or whether any of the acts were

committed in exercise of a legally recognised right of private defence; and

g. ensure that the final police report contains the relevant material pertaining to both the case and the counter-case so as to enable the competent Court to appreciate the entire occurrence in its proper perspective.

(vi) The Investigating Officer shall not mechanically adopt or reproduce either of the earlier charge-sheets. The investigation shall be conducted independently and objectively, uninfluenced by the earlier investigation, the earlier charge-sheets or the observations made in the present order.

(vii) The *de novo* investigation shall be completed within three months from the date on which the investigation is entrusted to the Investigating Officer, and an appropriate police report shall thereafter be submitted before the jurisdictional Court in accordance with Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(viii) The competent Court shall thereafter proceed in accordance with law on the basis of the fresh police report.

(ix) It is made clear that this Court has not expressed any opinion on the merits of the allegations or the defence of either side. All contentions of all parties are left open.

(x) The State shall ensure that, in future, where two crimes arise from the same occurrence and constitute a case and counter-case, the investigation is entrusted to one and the same Investigating Officer, in conformity with the law declared by the Hon'ble Supreme Court and this Court.

Ordered accordingly.

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(SACHIN SHANKAR MAGADUM)
JUDGE

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