



CNR: KAHC010811252025

NC: 2026:KHC:42292  
WP No. 38323 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**WRIT PETITION NO. 38323 OF 2025 (GM-RES)**

**BETWEEN:**

SRI CHETHAN,  
S/O LATE DOMBAIAH PUJAR,  
AGED ABOUT 37 YEARS,  
R/AT. CHAITHRA NIVASA,  
BONTALKA, NIDDODI POST,  
MUDUBIDRE TALUK,  
MANGALORE,  
DAKSHINA KANNADA DISTRICT – 574 227

...PETITIONER

(BY SMT. KSHAMA NARAGUND, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
PADUBIDRI PS  
KAPU SUB-DIVISION,  
UDUPI DISTRICT  
REPRESENTED BY SPP,  
HIGH COURT BUILDING,  
BENGALURU – 560 001.
2. SMT. LAKSHMI S.R  
W/O. LATE RAMACHANDRA  
AGE 35 YEARS,  
KARUNYA BEAUTY PARLOUR,  
INFRONT OF YATRI NIVASA,  
4<sup>TH</sup> KYATHASANDRA,  
TUMAKURU, KARNATAKA – 572 101

...RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP FOR R1:

Digitally  
signed by  
PADMAVATHI  
B K

Location:  
High Court of  
Karnataka



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SMT. ABHINAYA.K FOR  
SRI. C.H. HANUMANTHARAYA, ADVOCATES FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION PRAYING TO QUASH THE PROCEEDINGS PENDING IN CR. NO.96/2025 DATED 18.08.2025 ON THE FILE OF COURT OF ADDL. CIVIL JUDGE (SENIOR DIVISION AND ACJM COURT UDUPI) FOR THE OFFENCE PUNISHABLE UNDER SECTION 64(1) AND 352 OF BNS REGISTERED BY THE PADUBIDRI PS VIDE ANNEXURE-A AND B AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

### **ORAL ORDER**

Heard the learned counsel for the petitioner and learned counsel for the respondents.

2. The issue in the lis is with regard to an offence under Section 64(1) of the BNS, which punishes a rape. The other offence is Section 352 of the BNS.

3. The learned counsel appearing for the petitioner submits that, there is incongruity in the complaint itself as to what offence the complainant is wanting to project.

4. The learned counsel for the respondent/ complainant submits that the complaint is clear that it was



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an offence that had to become punishable under Section 498A of IPC or even 69 of BNS, but not 64. The police have wrongly invoked the said provision.

5. The police wrongly invoking the provision would not mean that the victim should be left high and dry.

6. In the light of the submission and contra-submission, the investigation in the case at hand becomes imperative.

7. Therefore, reserving liberty to the petitioner to knock at the doors of this Court, in the event the final report would go against the petitioner, petition stands disposed.

All contentions would remain open.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

CM  
List No.: 2 Sl No.: 27