HC-KAR
NC: 2026:KHC:60515
CRL.P No. 4116 of 2026
CNR: KAHC010189562026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 4116 OF 2026

BETWEEN:

SRI. VENKAT M,
AGED ABOUT 53 YEARS
S/O LATE MUNIYAPPA R/AT NO.49
1ST MAIN 2ND CROSS NEW BANK COLONY
KONANKUNTE
BANGALORE 560062

...PETITIONER

(BY SRI KIRAN S V, ADVOCATE FOR
SRI. MOHITH HEGGADE B., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY THE STATION HOUSE OFFICER
CHINTAMANI POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560001.

...RESPONDENT

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

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 ENTIRE PROCEEDINGS IN C.C. NO. 3373/2023 PENDING ON THE FILE OF HONBLE PRINCIPLE CIVIL JUDGE AND JMFC CHINTAMANI, CHIKKABALLAPUR REGISTERED AGAINST THE PETITIONER ARISING OUT OF COMPLAINT REGISTERED IN CRIME NO. 007/2023 BY RESPONDENT CHINTAMANI POLICE

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STATION FOR OFFENCES WHICH ARE MADE PENAL UNDER SECTION 279 OF THE INDIAN PENAL CODE, 1860.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed to quash the proceedings in C.C.No.3373/2023 pending before JMFC, Chintamani arising from crime No.7/2023 for the alleged offences under Sections 336 and 427 of Indian Penal Code, 1860 ('IPC').

2. Learned counsel for the petitioner would submit that the petitioner was driving the car on the date of the incident. There was an under construction structure on the road. No caution notice was placed around the said structure which was about one foot in height and almost one foot in width. The petitioner was driving the car and without noticing the said structure dashed against the said structure and the petitioner's car is damaged.

3. It is the contention that the incident took place on account of the gross negligence on the part of the Municipal

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Authority who failed to put precautionary notice and safety measures when the construction was going on. Hence, the petitioner lodged the complaint, and the same is registered in Crime No.7/2023. However, the charge sheet is filed against the petitioner alleging negligence.

4. Learned counsel for the petitioner would submit that nobody has suffered any injury, petitioner's vehicle suffered damage and the Municipal Authority after realizing the negligence on their part, have removed structure the next day and placed barricade there. The Police in collusion with the Municipal Authority have filed charge sheet against the petitioner.

5. Learned Additional State Public Prosecutor would submit that the charge sheet is rightly filed. Petitioner should have driven his vehicle carefully. Because of his negligence the vehicle dashed against the structure and the matter requires trial.

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

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7. It is not in dispute that the petitioner has filed a complaint alleging negligence on the part of the Municipal Authority. The petitioner along with the petition has produced the photographs relating to the structure which was constructed on the road on the date of the incident. Said photographs are not disputed. In the said photograph, it is evident that partially constructed structure was on the road and precautionary measures were not in place around the said structure.

8. That being the position, the Court is of the view that in case, the petitioner had dashed the said structure on the road, which is about one foot in height, petitioner cannot be prosecuted for negligence given the fact that some times while driving the vehicle, such structure on the road would not come to the notice of the driver.

9. More than anything else, nobody is injured. It is the petitioner who has suffered loss as his vehicle is damaged. The charge sheet against the petitioner is nothing but a gross abuse of the process of the Court.

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10. Hence, the following:

ORDER

(i) The Criminal Petition is ***allowed***.

(ii) The proceeding in C.C.No.3373/2023 pending before JMFC, Chintamani arising from crime No.7/202 is quashed.

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(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 2 Sl No.: 24