HC-KAR
CNR: KAHC010196852019

NC: 2026:KHC:55256
CRL.P No. 4773 of 2019
C/W CRL.P No. 4676 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.4773 OF 2019
C/W
CRIMINAL PETITION NO.4676 OF 2019

IN CRL.P No.4773/2019:

BETWEEN:

1. DASHARATHA,
S/O ERAPPA,
AGED ABOUT 40 YEARS,
R/AT HOSA GOLLARAHATTI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA, CHITRADURGA-577533.

2. ERAPPA,
S/O GALAPPA,
AGED ABOUT 67 YEARS,
R/AT HOSA GOLLARAHATTI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA, CHITRADURGA-577533.

3. RAVIKUMARA,
S/O RAMAPPA,
AGED ABOUT 20 YEARS,
R/AT HOSA GOLLARAHATTI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA, CHITRADURGA-577533.

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Location: HIGH COURT OF KARNATAKA

4. NINGARAJU,
S/O KATAPPA,
AGED ABOUT 22 YEARS,
R/AT HOSA GOLLARAHATTI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA, CHITRADURGA-577533.

…PETITIONERS

(BY SMT. GIRIJA PATIL, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY SRIRAMPURA POLICE STATION,
CHITRADURGA-577533,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.

2. VARADARAJU,
S/O RAMANNA,
AGED ABOUT 36 YEARS,
R/AT HOSA GOLLARAHATTI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT
KARNATAKA, CHITRADURGA-577533.

…RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
R2 – IS SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.90/2019 (ARISING OUT OF IN CR.NO.231/2018 OF SRIRAMPURA POLICE STATION) PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC COURT, HOSADURGA, CHITRADURGA, REGISTERED BY THE FIRST RESPONDENT AGAINST THE PETITIONER/ACCUSED NOS.1, 2, 4 AND 5 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 144, 147, 323, 324, 341, 504, 506 R/W SECTION 149 OF IPC.

CNR: KAHC010196852019

IN CRL.P NO.4676/2019:

BETWEEN:

1. ERAPPA,
   S/O GALAPPA,
   AGED ABOUT 67 YEARS,
   R/AT HOSA GOLLARAHATTI VILLAGE,
   HOSADURGA TALUK,
   CHITRADURGA DISTRICT,
   KARNATAKA, CHITRADURGA-577533.

2. DASHARATHA,
   S/O ERAPPA,
   AGED ABOUT 40 YEARS,
   R/AT HOSA GOLLARAHATTI VILLAGE,
   HOSADURGA TALUK,
   CHITRADURGA DISTRICT,
   KARNATAKA, CHITRADURGA-577533.

3. KATAPPA,
   S/O GALAPPA,
   AGED ABOUT 58 YEARS,
   R/AT HOSA GOLLARAHATTI VILLAGE,
   HOSADURGA TALUK,
   CHITRADURGA DISTRICT,
   KARNATAKA, CHITRADURGA-577533.

4. LAKSHMAKKA,
   W/O MAHALINGAPPA,
   AGED ABOUT 55 YEARS,
   R/AT HOSA GOLLARAHATTI VILLAGE,
   HOSADURGA TALUK,
   CHITRADURGA DISTRICT,
   KARNATAKA, CHITRADURGA-577533.

5. RAMESHM,
   S/O MAHALINGAPPA,
   AGED ABOUT 32 YEARS,
   R/AT HOSA GOLLARAHATTI VILLAGE,

HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA,
CHITRADURGA-577533.

6. KRISHNAMURTHY ALIYAS KITTI,
S/O MAHALINGAPPA,
AGED ABOUT 28 YEARS,
R/AT HOSA GOLLARAHATTI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA,
CHITRADURGA-577533.

7. JANARDHANA ALIYAS JANI,
S/O MAHALINGAPPA,
AGED ABOUT 25 YEARS,
R/AT HOSA GOLLARAHATTI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA,
CHITRADURGA-577533.

...PETITIONERS

(BY SMT. GIRIJA PATIL, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SRIRAMPURA POLICE STATION,
CHITRADURGA-577533
REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.

2. KALLAPPA D.,
S/O DODDA KARIYAPPA,
AGED ABOUT 58 YEARS,
HOSA GOLLARAHATTI VILLAGE

HOSADURGA TALUK,
CHITRADURGA-577533.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
R2 – IS SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET IN CC.NO.637/2018 (ARISING OUT OF IN CRIME NO.200/2018 SRIRAMPURA POLICE STATION) PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE AND JMFC, HOSADURGA, CHITRADURGA, REGISTERED BY THE FIRST RESPONDENT AGAINST THE PETITIONER/ACCUSED NOS.1, 2 AND 4 TO 8 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 504, 506 R/W. SECTION 149 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Crl.P.No.4773/2019 is filed by accused Nos.1, 2, 4 and 5 praying this Court to quash the proceedings in C.C.No.90/2019, arising out of Crime No.231/2018 of Srirampura Police Station, pending before the Additional Civil Judge (Jr.Dn.) and JMFC Court, Hosadurga, Chitradurga, for the offences punishable under Sections 143, 144, 147, 323, 324, 341, 504, 506 read with Section 34 of IPC.

2. Crl.P.No.4676/2019 is filed by accused Nos.1, 2 and 4 to 8 praying this Court to quash the charge-sheet in C.C.No.637/2018, arising out of Crime No.200/2018 of Srirampura Police Station, pending before the Additional Civil Judge (Jr.Dn.) and JMFC, Hosadurga, Chitradurga, for the offences punishable under Sections 143, 504, 506 read with Section 149 of IPC.

3. The learned counsel for the petitioners would vehemently contend that the very investigation is done by the Head Constable and he is not a competent authority to investigate the case under the provisions of Rules 237 and 238 of the Karnataka Police Manual Rules. The learned counsel brought to the notice of this Court that this Court considered the similar ground in Crl.P.No.4677/2019 vide order dated 17.09.2026 in respect of C.C.No.30/2019, arising out of Crime No.233/2018 of Srirampura Police Station, Chitradurga, pending before the Additional Civil Judge (Jr.Dn.) and JMFC Court, Hosadurga, Chitradurga and when the investigation is conducted and charge-sheet is filed by the Head Constable,

who is not a competent authority, there cannot be any prosecution.

4. The learned High Court Government Pleader appearing for respondent No.1/State also not disputes the fact that investigation in both the cases is conducted by the Head Constable. In Crl.P.No.4773/2019, the investigation is conducted by CW8 HC-1216 and the charge-sheet is also signed by him. In Crl.P.No.4676/2019, the investigation is conducted by CW5 HC-1216.

5. Having heard the respective learned counsel, the prosecution also not disputes the fact of investigation conducted by the Head Constable and the Head Constable is not a competent officer to investigate the matter and file the charge sheet. When such being the case, the petitioners have made out a case to quash the proceedings initiated against them.

6. In view of the discussions made above, I pass the following:

ORDER

Both the petitions are allowed. The proceedings initiated against the petitioners in C.C.No.90/2019 and C.C.No.637/2018 are quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 17