HC-KAR

NC: 2026:KHC:54868
CRL.P No. 9944 of 2026

CNR: KAHC010462692026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 9944 OF 2026

BETWEEN:

SRI TEJAS A
S/O APPAJI
AGED ABOUT 32 YEARS
R/AT NO.288, 2ND B MAIN
VENKAT REDDY NAGAR
JAYANAGAR, 1ST BLOCK
BENGALURU- 560011

...PETITIONER

(BY SRI. DALWAI VENKATESH., ADVOCATE)

AND:

SRI DINESH GUNDU RAO
S/O LATE R GUNDU RAO
AGED ABOUT 56 YEARS
R/AT NO.116, CROSS,
3RD MAIN ROAD,
RMV 2ND STAGE,
HIG COLONY,
BENGALURU-560094.

...RESPONDENT

(BY SMT. LATHA S SHETTY.,ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THAT PORTION OF THE ORDER DATED 27.06.2026 PASSED IN PCR NO.18986/2025 VIDE ANNEXURE-A WHEREBY THE PROCEEDINGS AGAINST RESPONDENT/ACCUSED NO.2 WERE DROPPED ON THE FILE OF THE XLII A.C.J.M BENGALURU SPL.COURT FOR TRIAL OF CASES AGAINST MPs/MLAs IN KARNATAKA., AND ETC.

Digitally Signed by ANANT
RAMNATH HEGDE

CNR: KAHC010462692026

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 for the petitioner and the learned counsel for the respondent.

2. Learned counsel for the petitioner would submit that the petitioner is challengin the order passed by the Magistrate dismissing the complaint against accused No.2.

3. It is the submission of the learned counsel for the petitioner that cognizance is taken against accused No.1 and 3 and absolutely there was no reason to dismiss the proceeding against the accused No.2. It is also submitted that, the petitioner has sought a further direction to the Magistrate to take cognizance against accused No.2. Thus, it is urged that the impugned order cannot be questioned before the jurisdictional Sessions Court and the present petition is the only appropriate remedy.

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RAMNATH HEGDE

4. The Court is of the view that the impugned order dismissing the petition against accused No.2 cannot be construed as an interlocutory order, and the said order is also amenable to the jurisdiction under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. In case the jurisdictional Sessions Court finds that the impugned order is erroneous and deems it appropriate to set-aside on the premise that there should be a further proceeding against accused No.2, then it is certainly within the scope and jurisdiction of the Sessions Court to direct the jurisdictional Magistrate to proceed further in accordance with law, after setting aside the impugned order.

6. That being the position, the Court is of the view that the petitioner has an equally efficacious remedy before the Sessions Court.

7. Accordingly, the Criminal Petition is ***disposed of***.

8. It is made clear that nothing is expressed on the merits of the case.

Digitally Signed by ANANT
RAMNATH HEGDE

9. All contentions are kept open.

Digitally Signed by ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 1 Sl No.: 0