HC-KAR
NC: 2026:KHC:59973
CRL.P No. 14633 of 2026
CNR: KAHC010660862026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 14633 OF 2026

BETWEEN:

SRI. BASAVARAJ E. HIREMATH,
S/O. SRI. ESHWARAIAH,
AGED ABOUT 65 YEARS,
R/ AT NO. 16, GANGADHARESHWARA NILAYA,
NEAR MUNESHWARA TEMPLE,
ANDANAPPA CIRCLE,
TOTADAGUDDADAHALLI,
NAGASANDRA, BENGALURU NORTH,
BENGALURU-560 073.

...PETITIONER

(BY SRI ARUN K.S,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY JALAHALLI TRAFFIC P S,
   REPRESENTED BY STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING, BENGALURU-560 001.

2. SRI. MOHAMMED SADHIK
   S/O. SRI. MOHAMMED YUSEF,
   AGED ABOUT 35 YEARS,
   R/AT NO. NO.213, 1ST MAIN,
   1ST CROSS, KAVERI NAGARA,
   KURUBARAHALLI, BENGALURU-560 086

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1)

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

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THE ENTIRE PROCEEDINGS INITIATED BY THE RESPONDENT AGAINST THE PETITIONER HEREIN IN CC NO.1131/2026 ARISING OUT OF CRIME NO.0071/2025 FOR THE OFFENCES P/U/S 281 OF BNS 2023 AND SECTIONS 115 AND 177 OF INDIAN MOTOR VEHICLES ACT 1988 PENDING ON THE FILE OF THE LD JMFC TRAFFIC-III AT BENGALURU VIDE ANNEXURE-D.

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 appearing for the petitioner and the learned Additional Special Public Prosecutor for respondent No.1-State.

2. This petition is filed to quash the proceedings in C.C.No.1131/2026 arising from Crime No.71/2025.

3. The offences alleged under Sections 281 and 125(a) of Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 115 and 177 of The Motor Vehicles Act, 1988 ('IMV').

4. Learned counsel appearing for the petitioner would submit that the petitioner himself is the victim of the accident and he was admitted to the hospital and was discharged 15 days later and in the hospital petitioner's statement was

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recorded by the Police and he has narrated as to how the accident has taken place and that there was no negligence on his part. However, the complaint is filed by the driver of the offending vehicle 5 days later. Thus, it is the contention that the complaint could not have been filed, FIR could not have been registered and the charge sheet could not have been filed against the petitioner.

5. In addition, it is also submitted that in the charge sheet the petitioner himself is cited as a witness, apart from he being cited as an accused. Thus, the learned counsel would contend that the trial does not serve any purpose.

6. Learned Additional State Public Prosecutor would submit that merely because there is a delay of 5 days in lodging the complaint, that cannot be a ground to quash the charge sheet. It is the submission that the reasons have been explained for the delay of 5 days.

7. It is the further submission that the accident is not in dispute, as such, the delay cannot be a ground. In addition, the learned Additional State Public Prosecutor would submit

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that the charge sheet material would indicate that the petitioner was driving the vehicle on the wrong side of the road and merely because the petitioner has also sustained injury, it cannot be a ground to quash the proceedings.

8. In addition, it is also submitted that if the petitioner is cited as a witness, that cannot be a ground to quash the proceedings and it is possible for the prosecution to drop the petitioner from the list of witnesses as they may not examine the witness/accused.

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

10. The fact that the accident has taken place is not in dispute. Delay of 5 days in lodging the complaint cannot be the ground to quash the proceedings. It is submitted that an explanation is offered as to the delay of 5 days in lodging the complaint. Whether the explanation is acceptable or not has to be considered at the time of trial.

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11. As per the second contention that the petitioner who is the accused is cited as a witness is concerned, it cannot be a ground to quash the proceedings.

12. It is the submission of the respondent-State that there is one more eye-witness to the incident, as such the matter requires trial.

13. Accordingly, the Criminal Petition is ***dismissed***.

14. Observations made in this order are only confined to the merits of the present petition, not on the merits of the defence to be raised.

15. All contentions are kept open.

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(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 2 Sl No.: 35