HC-KAR

NC: 2026:KHC:63382
CRL.P No. 15123 of 2026

CNR: KAHC010678872026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.15123 OF 2026 (482(Cr.PC) /528(BNSS))

BETWEEN:

1. SRI. DIVAKARA HEBBAR,
   S/O LATE M. RAMACHANDRA HEBBAR,
   AGED ABOUT 55 YEARS,
   OCCUPATION: FARMER,
   R/AT MANJILU HOUSE, SHIBAJE VILLAGE,
   BELTHANGADY TALUK,
   DAKSHINA KANNADA DISTRICT – 574 198

2. SMT. UMA D. HEBBAR,
   W/O SRI. DIVAKARA HEBBAR,
   AGED ABOUT 49 YEARS,
   OCCUPATION: HOUSEWIFE,
   R/AT MANJILU HOUSE, SHIBAJE VILLAGE,
   BELTHANGADY TALUK,
   DAKSHINA KANNADA DISTRICT - 574 198

...PETITIONERS

(BY SRI. PRITHVIRAJ SHASTRY G, ADVOCATE FOR
SRI. BALAKRISHNA SHASTRY G, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY DHARMASTHALA POLICE STATION,
   BELTHANGADY TALUK,
   DAKSHINA KANNADA DISTRICT,
   REPRESENTED BY THE
   STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,

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ANANT RAMNATH HEGDE

BENGALURU - 560 001.

2. SRI. CHETHAN KUMAR L.,
S/O SRI LAKSHMANA KUMAR,
AGED ABOUT 38 YEARS,
OCCUPATION: FARMER,
R/AT KAIRANDA PERLA HOUSE,
SHIBAJE VILLAGE – 574 198
BELTHANGADY TALUK,
DAKSHINA KANNADA DISTRICT,
KARNATAKA.

…RESPONDENTS

(BY SRI. NAGHARISH G S, HCGP FOR R1)

THIS CRL.P IS FILED UNDER SECTION 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C NO.94/2026 PENDING ON THE FILE OF THE LEARNED I ADDITIONAL CIVIL JUDGE AND JMFC, BELTHANGADY, FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 118(1), 115(2), 352 AND 351(2) R/W SECTIONS 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023, AGAINST THE PETITIONERS; AND ETC

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

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CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel for the petitioners and learned HCGP appearing for respondent No.1.

2. This petition is filed to quash the charge sheet filed in C.C.No.94/2026 pending on the file of learned I Additional Civil Judge and JMFC, Belthangady.

3. Learned counsel for the petitioners would submit that in the complaint the main allegation are against Deekshith and Dimantha Hebbar. However, the charge sheet is filed against the present petitioners.

4. It is the submission of the learned counsel appearing for the petitioners that, the wound certificate does not disclose the wound allegedly caused by petitioner No.2. Thus, it is the contention that the false case is filed and that the charge sheet is filed without any basis.

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5. Learned HCGP appearing for respondent No.1 submits that the charge sheet materials indicate the wound on the victim. Merely because two persons named in the complaint are not named in the charge sheet because of the statement made by the complainant that they were not involved in the incident, is not a ground to quash the proceedings.

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

7. As can be seen from the contents of the complaint, there is allegation against four persons in the complaint. However, it appears that, during the course of investigation, the complainant has given up his allegation against two persons. However, complainant has stuck to his allegations against the remaining two persons. Based on that, the charge sheet is filed.

8. The charge sheet is also accompanied by the wound certificate.

9. Though the learned counsel appearing for the petitioners would submit that the wound certificate does not

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disclose any wound on the foot of the complainant and therefore, the allegation that petitioner No.2 assaulted the complainant on his foot is false.

10. The Court is of the view that such contradictions cannot be a ground to quash the proceedings in a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. Whether the incident has taken place or not and if there are any contradictions between the contents of the complaint and the wound certificate, same is to be considered at the time of trial.

12. Merely because two persons named in the complaint are not named in the charge sheet, it cannot be a ground to quash the proceedings.

13. In addition, the learned counsel for the petitioners would submit that a civil suit is pending between the parties. However, pendency of a civil suit, cannot be a ground for quashing the proceedings in all circumstances.

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14. Since the charge sheet materials *prima facie* disclose allegations of assault against the petitioners, the Court is of the view that the disputed questions of fact raised by the petitioners before this Court have to be considered at the time of trial. Hence, the petition is ***dismissed***.

15. The observations made in this order are only confined to the merit of the petition under Section 528 of the BNSS, 2023, and not on the merits of the defence that may be raised by the petitioners before the trial Court.

16. All contentions are kept open.

17. Pending interlocutory applications, if any, stand disposed of.

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(ANANT RAMANATH HEGDE)
JUDGE

VMB
List No.: 1 Sl No.: 26