HC-KAR

NC: 2026:KHC:62015
CRL.P No. 17046 of 2025

CNR: KAHC010818292025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 17046 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. AMARESHBABU
   S/O MUNIVENKATAPPA,
   AGED ABOUT 39 YEARS,

2. MUNIRAJU. M,
   S/O MUNIVENKATAPPA,
   AGED ABOUT 35 YEARS,

3. PUSHPA,
   W/O SHIVASHANKAR,
   AGED ABOUT 40 YEARS,

4. PREMALATHA,
   W/O AMARESHBABU,
   AGED ABOUT 34 YEARS,

5. SHIVASHANKAR,
   W/O VENKATESHPPA,
   AGED ABOUT 44 YEARS,

   ALL ARE RESIDING OF
   BYTARAYANAHALLI VILLAGE,
   ANDERSONPET, KGF,
   KOLAR DISTRICT-563101

...PETITIONERS

(BY SRI. CHETHAN B., ADVOCATE)

AND:

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12/11/2026, 14:27, Bengaluru
Verified

CNR: KAHC010818292025

1. THE STATE OF KARNATAKA
BY ANDERSONPET POLICE STATION,
KOLAR 563101
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA
BANGALORE – 560001

2. LAKSHMAMMA,
W/O LATE VENKATSWAMY,
AGED ABOUT 65 YEARS,
R/AT BYTARAYANAHALLI VILLAGE,
ANDERSONPET, K.G.F,
KOLAR DISTRICT- 563 101

…RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
R2-SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO SET ASIDE THE ORDER OF TAKING COGNIZANCE DATED 27.09.2025 IN CC NO .5277/2025 AND ALSO FURTHER PROCEEDINGS AGAINST THE PETITIONER HEREIN IN CC NO.5277/2025 (CRIME NO.85/2025 REGISTERED BY RESPONDENT ANDERSONPET POLICE, KGF) PENDING ON THE FILE OF THE HONBLE PRL.CIVIL JUDGE AND ADDL.JMFC, KGF FOR THE ALLEGED OFFENCES U/S 115(2), 11891), 189(3), 190, 351(2), 352, 74 OF BNS 2023 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

> *(a) To set aside the order of taking cognizance dated 27.09.2025 in CC No .5277/2025 and also further proceedings against the petitioner herein in*

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CC No.5277/2025 (Crime No.85/2025 registered by respondent Andersonpet Police, KGF) pending on the file of the Honble Prl.Civil Judge and Addl.JMFC, KGF for the alleged offences u/s 115(2), 11891), 189(3), 190, 351(2), 352, 74 of BNS 2023.

(b) Pass such other orders as this Hon'ble Court may deems fit to grant in the circumstances of the case, to meet the ends of justice.

2. Respondent No.2 had filed a complaint on 3.08.2025 in furtherance of which FIR in Crime No. 85/2025 had been registered by the Andersonpet Police Station for the offences under Section 115(2), 118(1), 189(3), 190, 351(2), 352 and 74 of the Bharatiya Nyaya Sanhita, 2023 [**BNS**]. Investigation having been completed, charge sheet was laid for all the said offences on 06.09.2025. It is challenging the same that the petitioner is before this court.

3. The submission of the learned counsel for the petitioner mainly is in respect of petitioner No. 3 to 5 contending that petitioner No.3 and 4 are women who are not involved actively in the incident. The only allegation against petition No. 3 to 5 is that they had abused the complainant and his family members.

4. The above submission cannot be looked into in isolation, inasmuch as petitioner No.1 himself had filed a complaint on 3.08.2025, which came to be registered

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as Crime No.84/2025 by the Andersonpet Police Station for offences under Section 115(2), 118(1), 189(4), 191, 189(3), 190, 351 and 352 of the BNS. Investigation having been completed in that matter, charge sheet has been laid and the matter is posted now for framing of charges. In that complaint, petitioner No. 1 has alleged that the accused No.1 to 7 therein have assaulted the petitioner and his family members.

5. In the present complaint in Crime No. 85/2025, it is accused No. 1, 2 and 5 in that matter who had filed the present complaint, making allegations that the petitioner and his family members had assaulted the complainants and their family members and neighbours. The incident in both the complaints is one and the same which occurred on 3.08.2025 at 15:30 hours. In Crime No. 85/2025 it is alleged to have occurred at 17:45 hours, but has commenced from 01:30 p.m. when a tractor containing water came to the said location for distribution of the said water and that is when the first standoff between the parties occurred.

6. Though the issue was simple as regards supply of water, in view of the action taken by the respective parties, it has escalated to the aforesaid offences. It

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could have well been avoided by all the parties, but unfortunately, there are serious allegations made as regard the aforesaid offences requiring initiation of criminal proceedings. The incident having been accepted by both set of parties including the petitioners herein, what was the exact involvement also having been ascertained in the charge sheet which has been filed, whether such ascertainment is valid or not would have to be determined during the course of trial.

7. This Court cannot at this stage enter into a mini trial as to determine which action can be attributed to which of the petitioner and to ascertain if petitioner No. 3 to 5 had not committed any offence, as alleged, reserving liberty to the petitioners to address all their defences before the trial court, the above petition stands ***dismissed***.

8. The proceedings being one of complaint and counter complaint, they shall be conducted in the manner as directed by this Court in several matters in relation to such complaint and counter complaint.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 55