IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 1ST DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO.200781 OF 2025

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

BETWEEN:

1. SRI SANGANAGOUDA S/O HANUMANTARAYA,
   AGED ABOUT 37 YEARS, OCC: AGRICULTURE,

2. SRI AMAREGOUDA S/O HANUMANTARAYA,
   AGED ABOUT 38 YEARS, OCC: AGRICULTURE,

3. SRI MALLIKARJUN @ MALLANNA @ MALANAGOUDA
   S/O HANUMANTARAYA,
   AGED ABOUT 31 YEARS, OCC: AGRICULTURE,

   ALL ARE R/O. GONALVARA VILLAGE,
   TQ. MANVI, DIST. RAICHUR 584123.

...PETITIONERS

(BY SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE)

Digitally signed by SUMITRA SHERIGAR
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   THROUGH BALAGANUR POLICE STATION,
   REPRESENTED BY ADDL. SPP,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH, KALABURAGI.

2. SRI KANAKAPPA S/O SHAMAPPA,
   AGED ABOUT 49 YEARS, OCC: AGRICULTURE,
   R/O. BELAWATA VILLAGE, TQ. MANVI,

DIST. RAICHUR-584123.

…RESPONDENTS

(BY SMT. ARATI PATIL, HCGP FOR R1;
SRI SHIVANAND V. PATTANASHETTI, ADVOCATE FOR R2)

THIS CRL.P IS FILED UNDER SECTION 528 OF BNSS, 2023 PRAYING TO ALLOW THE PETITION AND FURTHER QUASH THE CHARGE SHEET AND ENTIRE PROCEEDINGS IN SPL.(AC) NO.884/2023, ON THE FILE OF III ADDL. DIST AND SESSIONS JUDGE, RAICHUR (SITTING AT SINDHANUR), AGAINST THE PETITIONERS-ACCUSED NO.4, 5 AND 7 FOR THE ALLEGED OFFENCES PUNISHABLE U/SEC. 323, 427, 447, 504, 506 R/W 34 OF IPC AND 3(1) (r) (s), 3 (2), (va) OF SC/ST (POA) AMENDMENT ACT, 2015.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE V SRISHANANDA)

Heard Sri Arunkumar Amargundappa, learned counsel for the petitioners, Smt. Arati Patil, learned High Court Government Pleader for respondent No.1 – State

and Sri Shivanand V. Pattanashetti, learned counsel for respondent No.2.

2. Petition under Section 528 of BNSS, 2023 with the following prayer:

> *"Criminal petition is filed under Section 528 of BNSS, 2023 praying to allow the petition and further quash the charge sheet and entire proceedings in Spl.(AC) No.884/2023, on the file of III Addl. District and Sessions Judge, Raichur (sitting at Sindhanur), against the petitioners-accused No.4, 5 and 7 for the alleged offences punishable u/Secs. 323, 427, 447, 504, 506 R/W 34 OF IPC and Sections 3(1) (r) (s), 3 (2) (va) of SC/ST (POA) Amendment Act, 2015."*

3. Facts in brief, which are utmost necessary for disposal of the present petition are as under:

3.1 Kanakappa S/o. Shamappa filed a complaint with Balaganoor police station, Raichur district, based on which police have registered a case in Crime No.123/2023 on 19.09.2023 for the offences punishable under Sections 323, 427, 447, 504, 506 read with Section 34 of IPC and

under Section 3(1)(r)(s) and 3(2)(va) of the SC/ST (POA) Act.

3.2 Gist of the complaint averments would reveal that on 10.08.2023 at about 8:30 a.m., complainant had been to the agriculture land of Basangouda S/o. Yamanappagouda for coolie work. When he was watering the land with the help of the pump-set, all the accused persons including the petitioners came there, abused the complainant in filthy language by taking out his caste name and also damaged the pump-set motor and the pipes, which were used for feeding the water to the land. When the complainant resisted the said act of the accused persons, all of them overpowered him by holding the shirt of the complainant and also abused him in filthy language. Accused persons also assaulted the complainant with hands, kicked the complainant and also gave life threat.

3.3 Based on the said complaint, police after registering the case, investigated the matter and filed

charge sheet against the petitioners herein. After filing the charge sheet, learned Special Judge has taken cognizance of the aforesaid offences against the petitioners and he is proceedings with the case.

3.4 Said action of taking cognizance and proceeding with the criminal case is called in question in this petition.

4. Learned counsel for the petitioners reiterating the grounds urged in the petition vehemently contended that when the police have dropped few of the accused persons while filing the charge sheet, especially when the complainant and others have specifically stated that all accused persons were present, learned Special Judge ignoring the same had taken cognizance against the petitioners and proceeding with the criminal case, which has resulted in miscarriage of justice and sought for allowing the petition.

5. *Per contra*, learned High Court Government Pleader for respondent No.1 and learned counsel for

respondent No.2/de-facto complainant support the order of Special Judge in taking cognizance and proceeding with criminal camel case.

6. Having heard the arguments of both sides, this Court perused the material on record meticulously.

7. On such perusal of the material on record, it is crystal clear that in the charge sheet, there are material evidence, which would be *prima facie* enough to take cognizance, which has been rightly done by the learned Special Judge.

8. All the petitioners or anyone of them may file necessary application seeking discharge, if no material is found in the charge sheet, which would be sufficient enough to proceed under the provisions of the SC/ST (POA) Act.

9. Reserving such liberty to the petitioners, following order is passed:

ORDER

Criminal petition is dismissed.

In view of disposal of main petition, pending application, if any, does not survive for consideration.

Sd/-
(V SRISHANANDA)
JUDGE

SRT
List No.: 1 Sl No.: 35
CT:PK