



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

**DATED THIS THE 24<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE V.SRISHANANDA**

**CRIMINAL PETITION NO. 100119 OF 2026**

**(482(CR.PC)/528(BNSS))**

**C/W**

**CRIMINAL PETITION NO. 103594 OF 2025**

**IN CRL.P NO. 100119/2026**

**BETWEEN:**

1. BASAVARAJ S/O CHANNAPPA ARIGHANGERI  
AGE: 46 YEARS, OCC. AGRICULTURIST,  
R/O. CHANDAPUR, TQ. SHIGGAON,  
DIST. HAVERI - 581193.
2. SAROJAVVA W/O GANESHAPPA MANNANGI  
AGE: 68 YEARS, OCC. HOUSEHOLD WORK,  
R/O. CHANDAPUR, TQ. SHIGGAON,  
DIST. HAVERI 581193.
3. CHANDRU @ CHANDRASHEKKAR  
S/O GANESHAPPA MANNANGI  
AGE: 39 YEARS, OCC. AGRICULTURIST,  
R/O. CHANDAPUR, TQ. SHIGGAON,  
DIST. HAVERI - 581193.

...PETITIONERS

(BY SRI. GANAPATI M. BHAT, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY POLICE SUB INSPECTOR,





BANKAPURA POLICE STATION,  
REPRESENTED BY S.P.P  
HIGH COURT OF KARNATAKA  
DHARWAD BENCH  
AT DHARWAD-583011.

2. FAKKIRAPPA S/O SHRISHAILAPPA KUBIHALA  
AGE: 41 YEARS, OCC: FARMER,  
R/O. CHANDAPUR, TQ. SHIGGAON,  
DIST. HAVERI 581193.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;  
SRI. GANESH RAIBAGI, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S. 528 OF BNSS, 2023, SEEKING TO ALLOW THE CRIMINAL PETITION AND QUASH ENTIRE FURTHER PROCEEDINGS IN CRIME NO. 91/2025 OF BANKAPURA POLICE STATION PENDING ON THE FILE OF THE COURT OF PRL. CIVIL JUDGE (JR.DN.) AND JMFC COURT, SHIGGAON, HAVERI DIST FOR AN OFFENCES P/U/SEC. 115(2), 126(2), 54, 352, 351(2), 3(5) OF THE BNS, 2023, IN SO FAR AS PETITIONERS HEREIN/ACCUSED NOS. 1 TO 3 RESPECTIVELY, IN THE INTEREST OF JUSTICE.

**IN CRL.P NO. 103594/2025**  
**BETWEEN:**

1. SRISHAILAPPA S/O CHANNABASAPPA KUBIHAL  
AGE. 70 YEARS, OCC. AGRICULTURE,  
R/O. CHANDAPUR VILLAGE,  
TQ. SHIGGAON, DIST. HAVERI PIN. 581193.
2. FAKKIRAPPA S/O SRISHAILAPPA KUBIHAL  
AGE. 40 YEARS, OCC. AGRICULTURE,  
R/O. CHANDAPUR VILLAGE,  
TQ. SHIGGAON, DIST. HAVERI, PIN. 581193.



3. BASAVARAJ S/O SRISHAILAPPA KUBIHAL  
AGE. 38 YEARS, OCC. AGRICULTURE  
R/O. CHANDAPUR VILLAGE, TQ. SHIGGAON  
DIST. HAVERI, PIN. 581193.
4. LALITAVVA W/O FAKKIRAPAP KUBIHAL  
AGE. 35 YEARS,  
OCC. HOUSEHOLD AND AGRICULTURE  
R/O. CHANDAPUR VILLAGE, TQ. SHIGGAON  
DIST. HAVERI, PIN. 581193.

...PETITIONERS

(BY SRI. Y.R. JOGI, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY ITS BANKAPUR POLICE STATION  
R/BY ADDL SPP, HIGH COURT OF KARNATAKA  
DHARWAD BENCH.
2. BASAVARAJ S/O CHANNAPPA ARASHINAGERI  
AGE. 35 YEARS, OCC. AGRICULTURE  
R/O. CHANDAPUR VILLAGE,  
TQ. SHIGGAON, DIST. HAVERI, PIN. 581193.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;  
SRI. GANAPATI M. BHAT, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (528 OF BNSS), PRAYING TO QUASH THE COMPLAINT DATED 27.06.2025 AS PER ANNEXURE-H AND QUASH THE FIR DATED 27.06.2025 IN BANKAPUR P.S. CRIME NO.98/2025 AND FURTHER ENTIRE PROCEEDINGS AGAINST THE ACCUSED NO.1 TO 4 BEFORE THE PRL.CIVIL JUDGE (JR.DN) AND JMFC COURT, SHIGGAON.OFFENCE U/SEC. 115(2), 126(2), 351(2), 352, 3(5) OF BNS, 2023, IN THE INTEREST OF JUSTICE.

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



**ORAL ORDER**

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

Sri Ganesh Raibagi, learned counsel filed power for the second respondent in Criminal Petition No.100119/2026.

2. Heard Sri Ganapati M.Bhat, Sri Y.R.Jogi, Sri Ganesh Raibagi and Smt.Kirtilata R.Patil, learned counsel for the parties.

3. These two matters arise out of the one and the same incident. Two cases came to be filed in respect of the same incident in Crime No.98/2025 and Crime No.91/2025.

4. In both the cases, the police investigated the matter. In respect of Crime No.91/2025, police have filed charge sheet and in respect of Crime No.98/2025, investigation is still in progress.

5. Sri Srishailappa Channabasappa Kubihal who is the petitioner in Criminal Petition No.103594/2025 would submit that there is no possibility of amicable settlement.

6. Taking note of the same, both the petitions are to be dismissed as inherent power vested in this Court cannot be



exercised under Section 528 BNSS for quashing the pending cases in view of the dictum of the Hon'ble Full Bench of this Court in the case of ***State of Karnataka, Circle Inspector of Police v. Hoskeri Ningappa*** reported in ***ILR 2012 KAR 509***.

7. Accordingly, following:

**ORDER**

- i. Petitions are dismissed.
- ii. Investigation Officer is directed to investigate the case in Crime No.98/2025 and file appropriate report in the light of ***Hoskeri Ningappa*** referred to supra and thereafter, trial shall also be conducted by the learned Magistrate strictly in accordance with the guidelines in case of ***Hoskeri Ningappa***.

Ordered accordingly.

Sd/-  
(V.SRISHANANDA)  
JUDGE

CLK  
CT-CMU  
LIST NO.: 1 SL NO.: 67