



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100230 OF 2026
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

1. SHWETA W/O. ABHISHEK SAVADATTI,
AGE: 37 YEARS, OCC: HOUSEHOLD,
R/O. 5 SHREENIDHI, SANMATI MARG,
DHARWAD-580001.
2. ABHISHEK S/O. RAJSEKHAR SAVADATTI,
AGE: 37 YEARS, OCC: ADVOCATE,
R/O. MATHOSHREE, RAMNAGAR-1,
DHARWAD-580001.
3. VINAYAK S/O. BASALINGAPPA NAVALGUND,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O. 5 SHREENIDHI, SANMATI MARG,
DHARWAD-580001.

...PETITIONERS

(BY SRI CHETAN KULKARNI, ADVOCATE.)

AND:

1. THE STATE OF KARNATAKA,
THROUGH SP DCRE NORTHERN RANGE,
DHARWAD, HCGP,
HIGH COURT OF KARNATAKA,
DHARWAD-580011.



2. SMT. SAKKUBAI W/O. BASAVARAJ DODAMANI,
AGE: 38 YEARS, OCC: PRIVATE FIRM,
R/O. NEAR KARIYAMMA TEMPLE,
SANGOLIRAYANNA NAGAR,
DHARWAD-580001.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, 2023, PRAYING TO QUASH THE DHARWAD D.C.R.E. P.S. CRIME NO.02/2026 INITIATED AGAINST THE PETITIONERS WHO ARE ACCUSED FOR THE OFFENCES PUNISHABLE IN BNS-2023 UNDER SECTION 329(4), 351(2), 352, 3(5) OF BNS, 2023 AND THE SC AND ST (PREVENTION AND ATROCITIES) AMENDMENT ACT, 2015 (UNDER SECTION 3(1)(r)(s)) PENDING ON THE FILE OF SPECIAL COURT AND II ADDITIONAL DISTRICT AND SESSIONS DHARWAD, AT DHARWAD AND ALLOW THE ABOVE CRIMINAL PETITION AND QUASH THE ENTIRE CRIMINAL PROCEEDINGS AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed by the accused Nos.1 to 3 under Section 482 of Cr.P.C. with the following prayer:

"1. To quash the Dharwad DCRE P.S. Crime No.02/2026 initiated against the Petitioners who are accused for the offences punishable in BNS-2023 under section- 329(4), 351(2), 352, 3(5) & the SC & ST (Prevention and Atrocities) Amendment Act, 2015 (U/s- 3(i)(r)(s)) pending on the file of Special Court and II Additional District and Sessions Dharwad, at Dharwad and be pleased to allow the above criminal petition and quash the entire criminal proceedings.



2. Pass any such other order(s) as this Court may deem fit based on facts and circumstances of the case and in the interest of Justice and Equity.

2. It is the brief case of prosecution as per complaint averments and FIR that the complainant has started construction of house by engaging one contractor. At that time, the accused came in acquaintance with the complainant. The accused have told the complainant that the construction of house is in a slow progress, therefore they would complete the construction work and for the remaining work of construction by the accused the amount settled is Rs.17,70,000/-. But it is the allegation of the complainant that the accused have not completed the construction and as such, the complainant requested to reimburse the said amount from the accused. But the accused have refused to reimburse the amount settled.

3. It is alleged that when the complainant was repeatedly asking for reimbursement of the amount, then on one day i.e., on 10.11.2025 at evening 07.30 p.m. all



the three accused have criminally trespassed into the house of the complainant and abused in a filthy language and also with reference to caste by naming their caste as Madiga and committed the offence which is viewed by one person by name Guranagouda Veeranagouda Purandaranagouda. Therefore, complaint is lodged and FIR is registered for the offences as stated above.

4. Notice is issued to respondent No.2, but there is office note that respondent No.2 has refused to receive the notice.

5. Heard the arguments of Sri Chetan Kulkarni, learned counsel for petitioners and Sri Abhishek Malipatil, learned HCGP for respondent State and perused the material made available before the Court at this stage.

6. Learned counsel for the petitioners submitted that the entire complaint averments are false one and no such incident was happened and the entire complaint is frivolous and when the accused themselves have



constructed the house and asked the remaining balance amount, but the complainant without giving the amount in turn has filed this false complaint. Further submitted that, as per the complaint averments, admittedly the alleged incident was committed on 10.11.2025 but the complaint is lodged only on 19.01.2026 i.e., after lapse of 69 days from the alleged incident. Therefore, there is enormous delay in lodging the complaint, which goes to the core of the complaint that the complaint is false. Further submitted that accused No.1 was pregnant for nine months as on that date and went to hospital and thus has not committed any offence. Further, the accused Nos.2 and 3/petitioners have also entered into the house of the complainant is also false. Further submitted that, even if the complaint averments are considered, the alleged incident as per the complaint was taken place inside the house which is not meant for public view. Therefore, offences under section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not attracted. Therefore submitted



that the complaint filed is completely abuse of process of Court. Therefore prays to quash the proceedings.

7. Respondent No.2 has refused to receive notice. Therefore, it is deemed constructive notice on respondent No.2 and deemed that respondent No.2 knew the proceedings.

8. Learned HCGP submitted that there are prima facie material available at this stage to go on with the trial. Therefore, the petition cannot be entertained. Thus, prayed to dismiss the petition.

9. Upon considering the complaint, FIR and other materials at this stage made available to this Court, admittedly as per the complaint averments, the alleged incident took place on 10.11.2025 at evening 07.30 p.m. but the complaint is lodged before the police on 19.01.2026. Therefore, there is 69 days delay in lodging the complaint, for which there is no explanation for such delay. This is also to be considered while considering the



petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, in the background of facts and circumstances involved in the case.

10. Further, upon perusal of the entire complaint, the averments are substantially regarding civil dispute and recovery of money. It was an agreement between the complainant and accused for completion of construction of house of complainant, for which the settled amount is Rs.17,70,000/-. According to the complainant, the accused have not completed the construction of house. Therefore, the complainant has started requesting the accused to reimburse the amount. Therefore, in this background the averments of complaint are to be considered. Therefore, substantially there is a demand by the complainant for reimbursement of amount by the accused and the accused have refused to give the amount. The entire dispute is revolving in these transactions. Therefore, the incident occurred on 10.11.2025 is to be considered in the



background of the facts and circumstances involved in the case.

11. Further, the accusation against the accused is that the accused have criminally trespassed into the house of the complainant and committed the offences alleged. Admittedly the complaint averments itself prima facie goes to show that the alleged offence is taken place inside the four walls of the house and not in a public view. Therefore, there was no occasion to say that the said incident could be viewed by public. Though the name of one person is mentioned in the complaint, who has viewed the incident, but it is inside the house and this is not meant for public view. Therefore, there is lack of ingredients to attract the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

12. Further, as on the alleged incident i.e., on 10.11.2025 the medical records produced by the petitioners show that the accused No.1 was pregnant and was under



medical check-up and admitted in the hospital on 25.11.2025. But the medical records disclose that accused No.1 was in the hospital for scanning as she was pregnant and the discharge summary of the hospital shows that accused No.1 was admitted to hospital on 12.12.2025 and discharged on 17.12.2025 from the labour department. Therefore, at that time accused No.1 was in the hospital as per the medical records produced.

13. Therefore, considering all the above discussed materials cumulatively, prima facie there is no case made out so as to proceed with trial. There is delay of 69 days in filing the complaint and accused No.1 was proved to be in the hospital as per the medical records and the alleged incident was taken place inside the house which is not meant for public view. Hence, the offences under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are not attracted. Therefore, considering all these things cumulatively, prima facie there is nothing to proceed with trial and found that the complaint



lodged is abuse of process of Court. Therefore, it is a fit case to quash the entire criminal proceedings. Accordingly, I proceed to pass the following:

ORDER

- i) The criminal petition is allowed.
- ii) The entire criminal proceedings in Dharwad D.C.R.E. P.S. Crime No.02/2026 initiated against the petitioners who are accused for the offences punishable under section 329(4), 351(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 and under section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, pending on the file of Special Court and II Additional District and Sessions Judge, Dharwad, are hereby quashed.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE