



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 101535 OF 2025

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

C/W

CRIMINAL PETITION NO. 100474 OF 2025

IN CRL.P.NO.101535/2025

BETWEEN:

DR. AVINASH MOHAN NAYAK,
AGED 34 YEARS, OCC. MEDICAL OFFICER,
R/O. H.NO.F-1, LAXMI APARTMENTS,
GREEN STREET, KARWAR - 581301.

...PETITIONER

(BY SRI. A.P. HEGDE JANMANE AND
SRI. VIJAY MALALI, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH,
THROUGH PSI,
U.K. WOMEN POLICE STATION,
KARWAR - 581304, TQ. KARWAR,
DIST. UTTARA KANNADA.
2. DR. ASHWINI,
W/O KAMLESH BORKAR,





AGED 42 YEARS,
OCC. MEDICAL PRACTITIONER,
R/O. KAJUBAG, KARWR - 581301,
TALUK. KARWAR,
DIST. UTTARA KANNADA.

...RESPONDENTS

(BY SMT. KIRTI LATA R. PATIL, HCGP FOR R1;
SRI. S.G. BHAT, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO QUASH THE FIR IN UK WOMEN PS CRIME NO.06/2025 AND COMPLAINT DATED 16.02.2025 REGISTERED BY THE 1ST RESPONDENT FOR THE OFFENCES P/U/SEC. 132, 74, 352 AND 351(2) OF THE BNS 2023 AGAINST THE PETITIONER/ACCUSED COMING UNDER THE JURISDICTION OF PRINCIPAL CIVIL JUDGE (SR.DN.) AND CJM, UTTARA KANNADA, KARWAR, AS BEING ABUSE OF PROCESS OF COURT AND JUDICIAL MECHANISM AS PER ANNEXURE-A AND B RESPECTIVELY.

IN CRL.P.NO.100474/2025
BETWEEN:

1. DR. ASHWINI,
W/O KAMLESH BORKER,
AGE. 48 YEARS,
OCC. MEDICAL PRACTITIONER
R/O. KAJUBAG, KARWAR,
TQ. KARWAR,
DIST. UTTARA KANNADA-581301.
2. DR. NEERAJ B.V.,
AGE. 58 YEARS,
OCC. MEDICAL PRACTITIONER
R/O. KAJUBAG, KARWAR
TQ. KARWAR,
DIST. UTTARA KANNADA-581301.
3. DR. NARENDRA PAWAR,
AGE. 54 YEARS,
OCC. MEDICAL PRACTITIONER



R/O. TALUKA HOSPITAL COMPOUND,
YELLAPUR, TQ. YELLAPUR,
DIST. UTTARA KANNADA-581359.

4. DR. SUDHITA PEDNEKAR
AGE. 48 YEARS,
OCC. MEDICAL PRACTITIONER
R/O. PRIMARY HEALTH CENTRE,
DEVBHAG COMPOUND,
KARWAR, TQ.KARWAR
DIST. UTTARA KANNADA-581352.
5. DR. AJNYA NAYAK
AGE. 55 YEARS,
OCC. MEDICAL PRACTITIONER
ADDRESS THO OFFICE COMPOUND,
KUMTA, TQ. KUMTA,
DIST. UTTARA KANNADA-581343.
6. DR. SOORAJ NAYAK
AGE. 51 YEARS,
OCC. MEDICAL PRACTITIONER
ADDRESS: THO OFFICE COMPOUND,
KAJUBAG, TQ. KARWAR,
DIST. UTTARA KANNADA-581352.
7. DR. RAJESH KINI
AGE. 53 YEARS,
OCC. MEDICAL PRACTITIONER
ADDRESS: TALUKA HOSPITAL COMPOUND,
HONNAVAR, TQ. HONNAVAR,
TQ. HONNAVAR,
DIST. UTTARA KANNADA-581334.

...PETITIONERS

(BY SRI. GANAPATI M. BHAT, ADVOCATE)

AND:

DR. AVINASH S/O MOHAN NAYAK
AGE. 34 YEARS,
OCC. CONTRACTUAL MEDICAL OFFICER



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CRL.P No. 101535 of 2025
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PRIMARY HEALTH CENTRE ANGADI
R/O. GREEN STREET, KARWAR
TQ. KARWAR, DIST. UTTARA KANNADA-581301.

...RESPONDENT

(BY SRI. ABHISHEK L. KALLED, ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 528 OF BNSS 2023, SEEKING TO ALLOW AND QUASH PROCEEDINGS IN P.C. NO.10/2025 PENDING ON THE FILE OF COURT OF CIVIL JUDGE AND JMFC II COURT, U.K. KARWAR FOR AN OFFENCES PUNISHABLE U/S 356 OF BNS, 2023, IN SO FAR AS PETITIONERS/ACCUSED NO.1, 2, 3, 5, 7, 8, 9 HEREIN, IN THE INTEREST OF JUSTICE.

THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORAL ORDER

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

Heard Sri A.P.Hegde Janmane, Sri Ganapati M.Bhat and Smt.Kirtilata R.Patil, learned counsel for the parties.

2. What has been challenged in these two petitions is the issue of summons by the trial Magistrate before taking the cognizance of the offences in each of these cases.

3. As per the scheme of the BNSS, in respect of a private complaint, the Magistrate is before taking the cognizance of the offences alleged against the concerned accused in each of



these petitions, an opportunity to be provided to the proposed accused and after hearing the proposed accused, order taking cognizance is to be passed by the trial Magistrate.

4. In this regard, principles of law enunciated in ***Basanagouda R. Patil v. Shivananda S. Patil***, reported in ***2024 SCC OnLine Kar 96*** would be applicable.

5. Accordingly, the grounds urged in the petitions at this stage is premature inasmuch as the petitioners in each of these cases are required to appear before the trial Magistrate and furnish their say in the matter.

6. Thereafter the learned trial Magistrate is required to pass an order of taking cognizance and proceeding with the criminal case or otherwise considering the say of petitioners.

7. Hence, following:

ORDER

- i. Petitions are dismissed.
- ii. However petitioners in each of these cases are entitled to place their version about the incident before the trial Magistrate and if any



HC-KAR

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such version is placed, learned trial Magistrate is directed to take into consideration the explanation thereof, version thereof and pass appropriate orders in accordance with law.

Sd/-
(V.SRISHANANDA)
JUDGE

CLK
Ct-cmu
LIST NO.: 3 SL NO.: 31