



OF ADDITIONAL DISTRICT AND SESSIONS JUDGE, GADAG, (CRIME NO.79/2015 OF LAXMESHWAR POLICE STATION) REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 143, 147, 148, 114, 323, 324, 354, 302, 427, 504, 506 R/W SECTION 149 OF IPC SECTION 66 OF I.T. ACT AND SECTION 3(1)(X) (XI) (2) (V) OF SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT 1989, IN SO FOR AS THE PETITIONER/ACCUSED NO.43 IS CONCERNED.

IN CRL.P. NO.101696 OF 2025:
BETWEEN:

1. SANNAPPA @ MUDAKAPPA
S/O HANAMAPPA KAMBALI @ BANDI,
AGE. 38 YEARS, OCC. AGRICULTURE,
2. NEELAPPA
S/O BHARAMAPPA SATYAMMANAVAR,
AGE. 57 YEARS, OCC. AGRICULTURE,
3. HANAMAPPA S/O RAMAPPA SATYAMMANAVAR,
AGE. 35 YEARS, OCC. AGRICULTURE,
4. DILLEPPA S/O NEELAPPA SATYAMMANAVAR,
AGE. 24 YEARS, OCC. AGRICULTURE,
5. DYAMAPPA S/O HANAMAPPA ATTIGERI,
AGE. 25 YEARS, OCC. AGRICULTURE,
6. GOVINDAPPA S/O HANAMAPPA ATTIGERI,
AGE. 21 YEARS, OCC. STUDENT,
7. KUBER S/O BHARAMAPPA CHIGARI,
AGE. 31 YEARS, OCC. AGRICULTURE,
8. BHARAMAPPA S/O YAMANAPPA CHIGARI,
AGE. 61 YEARS, OCC. AGRICULTURE,
9. GULAPPA S/O NAGAPPA NEELANNAVAR,
AGE. 39 YEARS, OCC. AGRICULTURE,
10. BASAVARAJ @ BASAVARADDI
S/O CHINNAPPA HANAMARADDI,
AGE. 35 YEARS, OCC. AGRICULTURE,



11. SUBANI @ SUBANSAB
S/O MAHAMMEDSAB BADIGER,
AGE. 33 YEARS, OCC. COOLIE,
12. SHIVAPPA S/O PARASAPPA KABBER,
AGE. 33 YEARS, OCC. AGRICULTURE,
13. GUDADAYYA @ GUDDAPPA
S/O MALLAPPA KURI @ NAGARAMADAVU,
AGE. 32 YEARS, OCC. AGRICULTURE,
14. SHANKARAGOUDA S/O BASAPPA ATTIGERI,
AGE. 27 YEARS, OCC. KIRANI SHOP,
15. MALLAPPA S/O NINGAPPA MILLI,
AGE. 22 YEARS, OCC. AGRICULTURE,
16. CHANDRASHEKHAR S/O SURESH PATTED,
AGE. 28 YEARS, OCC. PAINTING WORK,
17. HEMANNA S/O MAHADEVAPPA KABBER,
AGE. 27 YEARS, OCC. AGRICULTURE,
18. RAGHAVENDRA S/O NINGAPPA SANDLI,
AGE. 28 YEARS, OCC. AGRICULTURE,
19. MARTANDAPPA @ MARTANDA
S/O BASAVANNEPPA PEDDAR @ MILLI,
AGE. 25 YEARS, OCC. STUDENT,
20. MARUTI @ GUTTAL MARUTI
S/O HANAMAPPA ATTIGERI,
AGE. 30 YEARS, OCC. AGRICULTURE,
21. NINGAPPA
S/O GUDDAPPA YATTINAMANI @ BASAPUR,
AGE. 26 YEARS, OCC. AGRICULTURE,
22. GANGAPPA @ GANGADHAR
S/O BHARAMAPPA CHIGARI,
AGE. 35 YEARS, OCC. AGRICULTURE,
23. MARUTI S/O RAMAPPA SATYAMMANAVAR,
AGE. YEARS, OCC. AGRICULTURE,



24. RAMAPPA S/O BHARAMAPPA SATYAMMANAVAR,
AGE. 65 YEARS, OCC. AGRICULTURE,
25. SHIDDAROOD S/O NEELAPPA SATYAMMANAVAR,
AGE. 26 YEARS, OCC. AGRICULTURE,
26. KARIYAPPA S/O DILLEPPA SANDLI,
AGE. 28 YEARS, OCC. STUDENT, ,
27. MALLAPPA @ MALLA
S/O NAGAPPA NEELANNAVAR @ HOSAMANI,
AGE. 38 YEARS, OCC. AGRICULTURE,
28. HANAMAPPA @ HANAMARADDI
S/O CHINNAPPA HANAMARADDI,
AGE. 38 YEARS, OCC. AGRICULTURE,
29. SOMAPPA @ SOMARADDI
S/O CHINNAPPA HANAMARADDI,
AGE. 45 YEARS, OCC. AGRICULTURE,
30. CHANDRAPPA @ CHANDRARADDI
S/O CHINNAPPA HANAMARADDI,
AGE. 43 YEARS, OCC. AGRICULTURE,
31. ERANNA @ ERAPPARADDI
S/O CHINNAPPA HANAMARADDI,
AGE. 37 YEARS, OCC. AGRICULTURE,
32. MALLIKARJUN @ MALAKAJAPPA
S/O RAMAPPA KURTAKOTI @ RADDI,
AGE. 50 YEARS, OCC. AGRICULTURE,
33. SHIVAPPA @ SHIVANNA
S/O BHIMAPPA KABBER @ DAMBAR,
AGE. 57 YEARS, OCC. AGRICULTURE,
34. NAGARAJ @ NAGAPPA
S/O BHIMAPPA KABBER @ DAMBAR,
AGE. 38 YEARS, OCC. AGRICULTURE,
35. BASAPPA S/O RAMAPPA KABBER @ DAMBAR,
AGE. 50 YEARS, OCC. AGRICULTURE,



36. SHIVAPPA S/O BASAPPA DAMBAR @ KABBER,
AGE. 26 YEARS, OCC. COOLIE,
37. PARASAPPA @ PARASHURAM
@ KATUGA S/O HANAMAPPA VANTI,
AGE. 38 YEARS, OCC. AGRICULTURE,
38. FAKKIRESH S/O LAXMAPPA MYATANNAVAR,
AGE. 38 YEARS, OCC. AGRICULTURE,
39. NINGARAJ @ NINGAPPA
S/O SHANMUKAPPA @ SANNAPPA KALASAMMAN,
AGE. 20 YEARS, OCC. AGRICULTURE,
40. KUMAR S/O BASAPPA VANTIPADIYAPPANAVAR,
AGE. 20 YEARS, OCC. AGRICULTURE,
41. BASAVARAJ S/O NAGAPPA NEELANNAVAR,
AGE. 48 YEARS, OCC. AGRICULTURE,
ALL ARE R/O. BALEHOSUR,
TQ. SHIRAHATTI, DIST. GADAG.

... PETITIONERS

(BY SRI. SRINIVAS B. NAIK, ADVOCATE)

AND:

STATE OF KARNATAKA,
THROUGH LAKSHMESHWAR POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD BENCH,
DHARWAD-580 011.

... RESPONDENT

(BY SMT. GIRIJA S. HIEMATH, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (UNDER SECTION 528 OF BNSS), PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN SPL.C.NO.2/2025 ON THE FILE OF ADDITIONAL DISTRICT AND SESSIONS JUDGE, GADAG, (CRIME NO.79/2015 OF LAXMESHWAR POLICE STATION) REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 143, 147, 148, 114, 323, 324, 354, 302, 427, 504, 506 R/W SECTION 149 OF IPC, SECTION 66 OF I.T. ACT AND SECTION 3(1) (X) (XI) (2) (V) OF SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT 1989, IN SO FAR AS PETITIONERS/ACCUSED NO.1 TO 3, 5 AND 7 TO 42 AND 45 ARE CONCERNED, IN THE INTEREST OF JUSTICE AND EQUITY.



THESE PETITIONS ARE COMING ON FOR ORDERS THIS DAY,
ORDER IS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

1. Accused Nos.1 to 43 in Special SC/ST Case No.2 of 2025, are before this Court in these two petitions filed under Section 482 of Cr.P.C. read with Section 528 of BNSS 2023 with a prayer to quash entire proceedings in Special SC/ST Case No.2 of 2025, on the file of Additional District and Sessions Judge and Special Judge, Gadag, arising out of Crime No.79 of 2015 registered by Lakshmeshwara Police Station, Gadag for offences punishable under Sections 143, 147, 148, 114, 323, 324, 354, 302, 427, 504, 506 read with Section 149 of Indian Penal Code, Section 3(1)(x)(xi)(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 66 of the Information Technology Act, 2000.

2. Heard learned counsel for the parties.



3. Learned counsel for the petitioner submits that, in respect of the alleged incident that had taken place on 07.06.2025, three separate FIRs were registered in Crime No.79 of 2015, Crime No.81 of 2015 and Crime No.82 of 2015 and therefore, Criminal Petition No.100994 of 2015 connected with Criminal Petition No.100877 of 2015 were filed before this Court challenging the FIR registered in Crime No.81 of 2015 and Crime No.82 of 2015. This Court had allowed the said two petitions and having quashed FIRs registered in Crime No.81 of 2015 and Crime No.82 of 2015, had directed the Investigation Officer to proceed with investigation in Crime No.79 of 2015, treating the statement of informant in Crime Nos.81 and Crime No.82 of 2015 as the statement recorded during the course of investigation in Crime No.79 of 2015. In spite of such an order, three separate charge sheets were filed after completing investigation and therefore, the accused had once again approached this Court in Criminal Petition No.101379 of 2016 and Criminal Petition No.101037 of



2019, which were allowed by this Court on 13.07.2024 and the matter was remitted to the Investigation Officer to file a single charge sheet in Crime No.79 of 2015. Thereafter, once again two separate charge sheets were filed in Crime No.79 of 2015 and accused had once again approached this Court in Criminal Petition No.100972 of 2023, which was allowed on 03.07.2023 and two charge sheets filed in Crime No.79 of 2015 were quashed and the Investigating Agency was directed to file appropriate report in accordance with law. In spite of repeated orders passed by this Court, once again two separate charge sheets have been filed by the Investigating Agency, and based on the same, two separate Special Cases have been registered before the Court of Special Judge in Special SC/ST Case No.2 of 2025 and Special SC/ST Case No.6 of 2025, and it is under these circumstances, accused in Special SC/ST Case No.2 of 2025 are before this Court.

4. Learned HCGP on instructions submits that by mistake two charge sheets have been filed in Crime No.79



of 2015 and the Investigating Agency has now prepared a single charge sheet in Crime No.79 of 2015. She has filed a memo dated 19.08.2025 enclosing the correspondences received from the Superintendent of Police, Gadag and submits that since two charge sheets have been already filed before the Court of Special Judge, practically it is not possible to withdraw or take back the said charge sheets and therefore the two charge sheets filed in Crime No.79 of 2015 may be quashed with liberty to file a fresh single charge sheet in Crime No.79 of 2015. Submission made by the learned HCGP and the memo filed along with the enclosures is taken on record.

5. This Court while initially allowing Criminal Petition No.100994 of 2015 connected with Criminal Petition No.100877 of 2015 had observed that registration of multiple FIRs in respect of the same incident is impermissible and accordingly had quashed the FIRs in Crime No.81 of 2015 and Crime No.82 of 2015 and had directed the Investigation Officer to proceed with



investigation in Crime No.79 of 2015. In spite of such a direction issued by this Court in Criminal Petition No.100994 of 2018 connected with Criminal Petition No.100877 of 2015, disposed of on 15.09.2015, three separate charge sheets were filed by the investigating agency and therefore, accused in the present case had once again approached this Court in Criminal Petition No.101379 of 2016 and Criminal Petition No.101037 of 2019. This Court while allowing the said Criminal Petitions by order dated 13.07.2022, in paragraph Nos.16 and 17 had observed as follows:

"16. Section 173 of Cr.P.C. does not contemplate for filing such split up charge sheets only on the ground that some persons are not responsible for few offences. It is always open for the Investigating Officer to find out who is responsible for which of the offences and what offences are to be mentioned in the report and in column No.17 of the report, Investigating agency has to detail out the offences said to have been committed by each of the accused separately and distinctly.

17. Since the prosecution has invoked Section 149 of IPC, it may also group up the accused persons who are responsible for the incident and file appropriate final report. Instead of carrying out such an exercise, Investigating Officer has chosen to file three separate reports which is impermissible. Further, it is settled principals of law that even if IPC offences are available and if the persons are responsible to be proceeded, since the incident is arising out of Crime No.79/2015, the other



accused against whom the SC/ST (POA) Act offences are not alleged, are also to be tried by the Special Court as it is arising out of one and the same incident. Accordingly, filing of separate three reports is unwarranted."

6. Though, this Court had specifically observed in Criminal Petition No.101379 of 2016 connected with Criminal Petition No.101037 of 2019 that filing of separate reports is not permissible, the Investigating Agency once again had filed two separate charge sheets in Crime No.79 of 2015, which was questioned by the accused in the present case in Criminal Petition No.100972 of 2023. This Court while allowing Criminal Petition No.100972 of 2023 in paragraph No. 13 to 17 had observed as follows:

"13. Since there is a specific order passed by this Court on 13.07.2022 to file appropriate report in respect of Crime No.79/2015 wherein, detailed discussion have been carried out as to the scope of investigation and filing the charge sheet, the investigation agency committing the same mistake in filing two different charge sheets instead of three charge sheet is in correct and impermissible.

14. Assuming for a moment that a particular accused is not liable for the offences punishable under the provisions of the SC and ST (POA) Act, such accused must also be tried to the other accused persons before learned Special Court itself but for the separate and distinct offences. The incident cannot be isolated so as to proceed against one set of accused persons only for the IPC offences and another set of accused persons both under the IPC offences and under the provisions of the SC and ST (POA) Act.



15. Since the Crime No.79/2015 is investigated and the charge sheet is filed, it is always open for the investigation agency to specifying in the one charge sheet itself as to which of the accused persons are to be proceeded for the offence under the provisions of the SC and ST (POA) Act and the IPC offences are chargeable and such of the accused persons and to be tried before one and the same Court which is the Special Court established for dealing with the offences under the provisions of the SC and ST (POA) Act.

16. With that specific direction, the charge sheet filed before the two Courts is impermissible and needs to be set aside.

17. Needless to emphasise that the matter is remitted again to the investigation agency for filing appropriate report in respect of Crime No.79/2015, in accordance with law."

7. In spite of this Court holding repeatedly that filing of multiple charge sheets in a single case is not permissible, the Investigating Agency has once again filed two charge sheets in Crime No.79 of 2015, which has now resulted in registering two separate Special Cases before the Court of Special Judge in Special SC/ST Case No.2 of 2025 and Special SC/ST Case No.6 of 2025.

8. Learned HCGP on instructions has submitted that Investigating Officer has committed mistake. She has



also submitted that a single charge sheet will now be filed before the Special Court. Accordingly, the following:

ORDER

- i. Criminal petitions are partially allowed.
- ii. Two separate charge sheets filed in Crime No.79 of 2015 registered by Lakshmeshwara Police Station, Gadag, which has resulted in registering Special SC/ST Case No.2 of 2015 and Special SC/ST Case No.6 of 2025 by the Court of Additional District and Sessions Judge and Special Judge, Gadag and consequently the entire proceedings in Special SC/ST Case No.2 of 2025, on the file of Additional District and Sessions Judge and Special Judge, Gadag, are quashed.
- iii. The Investigating Officer is at liberty to file a separate single charge sheet in Crime No.79 of 2015 registered by Lakshmeshwara Police Station, Gadag District in compliance of the orders passed by this Court in the earlier criminal petitions referred to hereinabove.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE