



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

**DATED THIS THE 6<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

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

**CRIMINAL PETITION NO. 101326 OF 2023 (482(CR.PC)/528(BNSS))**

**BETWEEN:**

SRI MALLIKARJUN S/O. PURADAPPA KURTAKOTI,  
AGE. 28 YEARS, OCC. DRIVER,  
R/O. KANAVI, TQ. AND DIST. GADAG.

...PETITIONER

(BY SRI. N.P. VIVEKMEHTA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY  
STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATKA,  
DHARWAD BENCH, DHARWAD-580011.  
(THE STATE RURAL POLICE STATION HUBBALLI)

2. SANJEEV KUMAR S/O. LAXMAN KADAM  
AGE. MAJOR, OCC. DRIVER,  
NWKRTC, RURAL DIVISION, NO.3, HUBLI,  
HUBBALLI RURAL DIVISION,  
R/O. NAVA AYODYA NAGAR, 3RD CROSS,  
SAI BUILDING, OLD HUBBALLI-580030.

3. ASHWINI D/O. GANGAPPA SARUR  
AGE. 19 YEARS, OCC. STUDENT,  
R/O. NEAR JOSHI MANGALA KARYALAYA,  
MADIHAL, DHARWAD-580009.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;  
SRI. RAHUL, ADVOCATE FOR  
SRI. G.I. GACHICHINAMATH, ADVOCATE FOR R2;  
SRI. GANESH RAIBAGI, ADVOCATE FOR R3)





THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO QUASH PROCEEDINGS IN C.C.NO. 1047/2023 SO FAR AS PETITIONER IS CONCERNED PENDING BEFORE JMFC II COURT, HUBBALLI VIDE ANNEXURE-A AND B FOR THE OFFENCE U/SEC. 279, 337, 338, 427 OF IPC WITH EXEMPLARY COSTS, IN THE INTEREST OF JUSTICE.

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

**ORAL ORDER**

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

1. Heard Sri.N.P.Vivekmehta, learned counsel appearing for petitioner, Smt.Kirtilata R. Patil, learned High Court Government Pleader appearing for respondent No.1-State and Sri.Rahul for Sri.G.I.Gachchinamath, learned counsel appearing for respondent No.2 and Sri.Ganesh Raibagi, learned counsel appearing for respondent No.3.

2. The present Criminal Petition is filed by the accused in CC No.1047 of 2023 on the file of JMFC-II, Hubli, seeking the following reliefs:

*Wherefore the petitioner/accused No.1 prays that, this Hon'ble Court may be pleased to quash proceedings in C.C.No.1047/2023 so far as petitioner is concerned pending before JMFC II Court, Hubballi vide Annexure-A and B for the offence under Sections 279,337,338,427 of Indian Penal Code with exemplary costs, in the interest of justice.*



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

3.1. In respect of a road traffic accident, the driver of a KSRTC bus bearing No.KA-42/F-1395 lodged a complaint before Hubli Rural Police Station. The same was registered in Crime No.193/2022, showing the present petitioner is an accused No.2.

4. According to the petitioner, he is the victim of the accident and has been arrayed as an accused solely on the basis of the complaint lodged by the driver of the KSRTC bus bearing No.KA-42/F-1395. Respondent No.3 in the present case also lodged a complaint against the said bus driver.

5. Instead of properly investigating the matter, a charge sheet came to be filed against the petitioner herein, who is actually victim of the incident.

6. Therefore, a case is made out to set-aside the charge sheet filed against the petitioner, inasmuch as any investigation has been conducted by the Investigation Officer with respect to the complaint lodged by the sister of the petitioner.

7. Hence, the following order:

**ORDER**

(i) The petition is ***allowed***.



- (ii) The charge sheet filed against the petitioner herein in C.C.No.1047 of 2023 arising out of Crime No.193 of 2022 on the file of JMFC-II, Hubli, is set-aside.
- (iii) The Investigation Officer is at liberty to investigate the matter with respect to both the complaints and file an appropriate report in accordance with law.

**Sd/-**  
**(V.SRISHANANDA)**  
**JUDGE**