



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 27TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO. 101898 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

BASAVANTAPPA
S/O. CHANNABASAPPA ANTARATANI,
AGE: 62 YEARS,
OCC: AGRICULTURIST,
R/O. DURGAD STREET,
AIHOLLI, TQ. HUNAGUND,
DIST. BAGALKOT-587124.

...PETITIONER

(BY SRI VIDYASHANKAR G. DALWAI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY POLICE SUB-INSPECTOR,
JAMAKHANDI TOWN POLICE STATION,
REPRESENTED BY S.P.P.,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH,
AT: DHARWAD-583011.
2. BHIMANNA
S/O. KALLAPPA GHATAGI,
AGE: 32 YEARS



OCC: BUSINESSMAN,
R/O. TUBACHI VILLAGE,
TQ. JAMAKHANDI,
DIST. BAGALKOT-587124.

...RESPONDENTS

(BY SRI DAYANAND SANGRESHI, HCGP FOR R1;
SRI GANGADHAR S. HOSAKERI, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 582 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO ALLOW THE CRIMINAL PETITION AND QUASH COMPLAINT DATED 07.11.2024 AND FURTHER PROCEEDINGS IN CRIME NO.102/2024 OF JAMAKHANDI TOWN POLICE STATION PENDING ON THE FILE OF THE COURT OF PRINCIPAL CIVIL JUDGE (SR.DN) AND CJM COURT, JAMAKHANDI, BAGALKOT FOR AN OFFENCES PUNISHABLE UNDER SECTIONS 420, 465, 468, 471 OF IPC, IN SO FAR AS PETITIONER.

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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR



ORAL ORDER

This criminal petition is filed by the petitioner/accused under Section 482 of Code of Criminal Procedure (Cr.P.C.)/528 of Bharatiya Nagarika Suraksha Sanhita, 2023 (BNSS), praying to quash the entire proceedings initiated against the petitioner/accused, with the following prayer:

"PRAYER

IT IS THEREFORE PRAYED that this Hon'ble High Court be pleased to allow the criminal petition filed u/Sec.528 of BNSS, 2023 and QUASH Complaint dt:07/11/2024 and further proceedings in Crime No.102/2024 of Jamakhandi Town Police Station pending on the file of the Court of Pl. Civil Judge (Sr.Dn) & CJM Court, Jamakhandi, Bagalkot for an offences punishable u/Sec.420, 465, 468, 471 of IPC, in so far as petitioner, in the interest of justice and equity."

2. It is the brief case of prosecution as per the FIR, complaint and charge sheet materials that the complainant is a dealer of selling sugarcane harvesting machine, but the petitioner/accused by creating forged receipts with an intention of showing that he has paid an amount of Rs.14,86,730/- and is insisting on repayment of the said amount. Hence, lodged a complaint against the



petitioner/accused alleging that he has created forged receipts and on the basis of those forged receipts, demanding the amount. With these allegations, a crime has been registered against the petitioner/accused as above stated.

3. Heard the learned counsel appearing on behalf of the parties and perused the materials available at this stage.

4. Learned counsel appearing on behalf of the petitioner/accused submitted that the petitioner/accused has paid a sum of Rs.14,86,730/- to the complainant for purchasing sugarcane harvesting machine, but the complainant/respondent has not supplied the said machine and when the complainant has not reimbursed the said amount, the petitioner/accused filed a complaint before the District Consumer Forum. When the case is pending before the District Consumer Forum, the complainant has filed a complaint and got registered FIR, which is nothing but



abuse of process of the Court. Further submitted that the criminal proceedings initiated against the petitioner/accused are liable to be quashed.

5. On the other hand, learned counsel appearing on behalf of the respondent/complainant submitted that the petitioner/accused has created forged receipts and deceitfully shown that the accused had paid a sum of Rs.14,86,730/- and therefore, the petitioner has not paid the amount; hence, the sugarcane harvesting machine is not supplied. However, the petitioner/accused on the guise of said forged receipts, started to demand the amount from the complainant; therefore, a complaint has been lodged before the Police and accordingly, the crime is registered and thus, it is not abuse of process of the Court and the investigation is going on. Hence, prays to dismiss the petition.

6. Considering the rival dispute, it is the assertion of the petitioner/accused that he has paid a sum of



Rs.14,86,730/- to the respondent/complainant. The respondent/complainant has refuted this claim of the petitioner/accused. The petitioner/accused has filed a consumer complaint before the District Consumer Disputes Redressal Commission, Bagalkot (District Consumer Forum) in C.C.No.79/2024 against the complainant herein, who is proprietor of the Shivalingeswar Enterprises. The Consumer Court has allowed the petition filed by the petitioner/accused herein and directed the complainant herein to return the amount of Rs.14,86,730/- along with interest at the rate of 9% p.a. from the date of complaint on 19.06.2024 and to pay a compensation of Rs.20,000/- and costs of Rs.5,000/- to the complainant within two months from the date of this order.

7. The District Consumer Forum has passed the order on 18.12.2024. During pendency of the complaint before the District Consumer Forum, the opposite party has lodged a complaint before the Police on 07.11.2024 with the



above stated allegations. Therefore, it appears that lodging of complaint before the Police by the complainant is off-shoot of pending proceedings before the District Consumer Forum.

8. It is submitted that the petitioner/accused before filing the complaint before the District Consumer Forum had issued a legal notice to the respondent/complainant. The respondent/complainant received the notice, but did not reply. This fact is not disputed by the counsel for the respondent. Therefore, the respondent had an opportunity to reply to the claim of the petitioner at that point of time, but the respondent had not replied to the notice issued by the petitioner. Even before the District Consumer Forum, the defence of the complainant is that he has not received any amount from the petitioner. However, there is no such defence before the District Consumer Forum that the petitioner has forged and fabricated receipts. Therefore, lodging of complaint before the Police by the complainant is found to be nothing but an abuse of process of Court.



Therefore, the petitioner has successfully demonstrated that complaint lodged before the Police is off-shoot of the proceedings before the District Consumer Forum and found to be an abuse of process of Court. Therefore, the proceeding initiated against the petitioner is liable to be quashed.

9. Hence, I proceed to pass the following:

ORDER

- a) The Petition is ***allowed***.
- b) The FIR in Crime No.102/2024 registered by the Jamakhandi Town Police Station for the offence punishable under Sections 420, 465, 468, 471 of IPC, pending on the file of Principal Civil Judge (Sr.Dn) and CJM Court, Jamakhandi, Bagalkot and all further investigation and proceedings initiated if any, in connection with said case, is hereby quashed.



**NC: 2026:KHC-D:4876
CRL.P No. 101898 of 2025**

In view of disposal of the petition, pending IAs', if
any, stands disposed of.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**

SRA: Para 1 to 6
PMP: Para 7 to end
CT-AN, List No.: 2 SI No.: 11