



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 103567 OF 2025 (482(CR.PC)/528(BNSS))

BETWEEN:

1. CHAMARAJ KULMI
AGE. 42 YEARS, OCC. SECTION OFFICER HESCOM,
DIST. BOMMANAHALLI, TQ. HANGAL
DIST. HAVERI 581104
NOW AT ADUR, TQ. HANGAL, DIST. HAVERI 581104.
2. SHARATACHANDRA JINGADE
AGE 55 YEARS, OCC. ASSISTANT ENGINEER HESCOM
R/AT. BOMMANAHALLI, TQ. HANGAL DIST. HAVERI
NOW R/AT. HESCOM OFFICE HAVERI 581110.

...PETITIONERS

(BY SRI. SIDDAPPA SAJJAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY HANGAL P.S.
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
THE HIGH COURT OF KARNATAKA,
DHARWAD 580001.

2. SADASHIVAPPA HARLAPUR @ LOHAR
AGE. 57 YEARS, OCC. AGRICULTURIST,
R/AT. YALAVATTI TQ. HANGAL DIST. HAVERI 581104.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;
SRI. T.R. PATIL, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO ALLOW THE CRIMINAL PETITION AND QUASH THE FIR AND COMPLAINT VIDE DOCUMENT NO. 1 AND 2





IN HANGAL PS CRIME NO. 03/2023 REGISTERED AGAINST THE PETITIONERS FOR THE ALLEGED OFFENCE PUNISHABLE U/S. 427 OF IPC, PENDING BEFORE THE SENIOR CIVIL JUDGE AND JMFC HANGAL IN CC NO.46/2025 AND ALL FURTHER PROCEEDINGS PURSUANT THERETO, IN THE INTEREST OF JUSTICE.

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

ORAL ORDER

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

1. Heard Sri. Siddappa Sajjan, learned counsel for the petitioners, Smt. Kirtilata R. Patil, learned High Court Government Pleader for respondent No.1-State and Sri. T. R. Patil, learned counsel for the respondent No.2.

2. Petition under Section 482 of Code of Criminal Procedure, 1973, with the following prayer:

"Wherefore, the petitioner most respectfully prays that the Hon'ble Court may kindly be pleased to:

i) Allow the criminal petition and Quash the FIR and complaint vide Document No.1 and 2 in Hangal PS Crime No.03/2023 registered against the petitioners for the alleged offence punishable U/S.427 of IPC, pending before the Learned Senior Civil Judge and JMFC Hangal in CC No.46/2025 and



all further proceedings pursuant thereto, in the interest of justice.

ii) Grant such other and further reliefs as this Hon'ble Court may deem fit in the facts and circumstance of the case, in the interest of justice and equity."

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

4. A complaint came to be lodged by the respondent Nos.2-Sadashivappa Harlapur @ Lohar on 05.01.2023 with Hanagal Police Station. The same was registered in Crime No.3/2023 for the offence punishable under Section 427 of Indian Penal Code, 1860.

5. After registering the case, the police investigated the matter and filed the charge sheet.

6. Gist of the charge sheet as per Column No.17 would reveal that the complainant is the owner of land in Survey Nos.34/1 and 34/2 measuring 8 acres 6 guntas of Yallur village and he had grown sugarcane in the said land.

7. An electric wire with live electricity was hanging near the said land. On 30.12.2022 at about 11.32 a.m.,



when there was a heavy breeze, the hanging electricity wires got into contact with each other and there was a electrification. Whereby, fire caught to the standing sugarcane crop and all the sugarcane grown in the land were burnt resulting in loss of Rs.21,48,000/-.

8. It is further found from the material on record, particularly the spot mahazar and the statements of the witnesses, that the incident occurred due to negligence of the petitioners, resulting in loss to the standing sugarcane crop and thus, sought for action.

9. Learned Trial Magistrate after taking cognizance of the aforesaid offences, issued process.

10. Petitioners being the officials of HESCOM have filed the present petition with the aforesaid prayer.

11. Learned counsel for the petitioners reiterating the grounds urged in the petition vehemently contended that petitioners are nowhere responsible for the alleged incident.



12. He would further contend that reason for the loss of standing sugarcane crop by fire is not the two electric wires coming into contact with each other and the same is not established by placing necessary material on record in the charge sheet and thus, continuation of the criminal proceedings against the petitioners is nothing but abuse of process of law and hence, sought for allowing the petition.

13. *Per contra*, the learned High Court Government Pleader for respondent No.1-State and the learned counsel for respondent No.2 supported the action initiated against the petitioners.

14. They further submitted that the photographs were taken near the place of incident, which prima facie show that the electricity lines were passing near the land of the petitioner. Those photographs also establish that a fire had occurred and that the standing crops were burnt. Thus, sought for dismissal of the petition.

15. Having heard the arguments of both sides, this Court perused the material on record meticulously.



16. On such perusal of the material on record, this Court is of the considered opinion that the question as to whether the petitioners were responsible for the hanging of electricity wire below the permissible limit or not cannot be decided by this Court without recording the evidence of the witnesses.

17. Further, what was the permissible limit and what exactly is the height with which the wires were hanging as on the date of incident, is also a matter that has to be adjudicated in a full fledged trial.

18. Needless to emphasize that, the prosecution must place the necessary material on record, and the accused must be afforded an opportunity to offer their explanation in such full fledged trial.

19. Accordingly, grounds urged in the petition are not sufficient for quashing pending criminal proceedings against the petitioners.



20. Hence, the following:

ORDER

The petition is ***dismissed***.

Sd/-
(V.SRISHANANDA)
JUDGE