



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.103875 OF 2025
(482 OF Cr.PC/528 BNSS)

BETWEEN:

1. ASHOK S/O. VITOBA KODAG,
AGE: 47 YEARS, OCC: AGRICULTURE,
R/O. KAVATAGI VILLAGER, JAMKHANDI-587310,
DIST. BAGALKOT (AS PER THE COMPLAINT IN
SAVAGE PS-142/2023), PRESENTLY AT
R/O. KALABILAGI GOTHE ROAD,
NEAR COMPLAINANT LAND,
KALABILAGI, BAGALKOT-587330.
2. SHASHIKANT VITOBA KODAG,
AGE: 49 YEARS, OCC: AGRICULTURE,
R/O. KAVATAGI VILLAGER, JAMKHANDI,
DIST. BAGALKOT (AS PER THE COMPLAINT
IN SAVAGE PS-142/2023), PRESENTLY AT
R/O. KALABILAGI GOTHE ROAD,
NEAR COMPLAINANT LAND,
KALABILAGI, BAGALKOT-587330.
3. SHANTAVVA W/O. BABASAHEB PATIL,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O. KALABILAGI, JAMAKHANDI,
BAGALKOT-587301.



4. RAKESH S/O. BABASAHEB PATIL,
AGE: 30 YEARS, OCC: STUDENT,
R/O. KALABILAGI, JAMAKHANDI,
BAGALKOT-587301.

...PETITIONERS

(BY SRI KUSHAL V. BOLMAL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY STATE PUBLIC PROSECUTOR,
SALAVAGI POLICE STATION,
COURT BUILDING, JAMKHANDI-587301.
2. SADASHIVA SAMBAJI MAKKOJI,
AGE: 32 YEARS,
OCC: STATE GOVT. EMPLOYEE,
R/O JAMAKADI, BAGALKOT-587301.

...RESPONDENTS

(BY SRI DAYANAND SANGRESHI, HCGP FOR R1;
NOTICE TO R2 SERVED)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.528 OF BNSS) PRAYING TO CALL FOR THE RECORDS, ALLOW THIS PETITION AND QUASH THE ENTIRE PROCEEDING AGAINST PETITIONERS/ACCUSED NO.11 TO 14 IN C.C.180/2024 ON THE FILE OF PRINCIPAL CIVIL JUDGE AND JMFC COURT, JAMAKHANDI IN CRIME NO.138/2023 SAVALAGI P.S. FOR THE OFFENCE PUNISHABLE U/S.143, 147, 341, 353, 504, R/W.149 OF IPC, PRODUCED AT DOCUMENT NO.1, IN THE INTEREST OF JUSTICE AND ETC.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed by the accused Nos.11, 12, 13 and 14 under Section 482 of Cr.P.C. praying to quash the proceedings with the following prayer:

"Wherefore, the petitioners most respectfully pray that the Hon'ble Court be pleased to call for the records, allow this petition and quash the entire proceeding against petitioners/accused Nos.11 to 14 in CC-180/2024 on the file of Prl. Civil Judge & JMFC Court, Jamakhandi in Crime No.138/2023 in Savalagi P.S., for the offence punishable U/S 143, 147, 341, 353 504 r/w 149 of IPC produced at Document no.1 in the interest of justice.

Grant such other relief's as deemed fit in the circumstances of the case and in the interest of justice."

2. It is the brief case of the prosecution as per complaint averments and charge sheet materials that the complainant being Tahsildar went to the place upon the complaint that a public road is blocked by the accused persons and went therein on 26.10.2023 by giving advance notice and when in the process of removing the blockage of road, the petitioners/accused and other accused have obstructed to discharge the public duty as Tahsildar and



created riot and thus, committed the offence as above stated.

3. Heard Sri.Bomla Kushal Vijaykumar, learned counsel appearing for the petitioners/accused and Sri.Dayanand Sangreshi, learned HCGP appearing for the respondent No.1/State.

4. Learned counsel for the petitioners/accused submitted that there is case and counter case between parties and therefore, the present case is counter case. Hence, submitted that there is abuse of process of Court and prays to quash the proceedings.

5. Learned HCGP appearing for the respondent No.1/State opposes the quashing of proceedings against the accused/petitioners.

6. The complainant is Tahsildar and he went to place to remove the blockage of the road so as to make use by the school children and public. At that moment, the



petitioners/accused and other accused named in the charge sheet have obstructed the work of the complainant as he was discharging his duty as public servant and committed the offence as above stated.

7. The investigation is conducted and the charge sheet is filed, which indicates there is prima facie case to proceed with the trial. Therefore, just because a counter case is filed but upon considering the fact that the complainant is Tahsildar, an independent person, the initiation of proceedings is as per the offence alleged in the complaint and who are the aggressors, whether the accused committed the offence alleged or not, are all questions for trial. Therefore, , the petitioners have failed to demonstrate how the petition gives effect to the provisions of the Code and has also failed to show what constitutes an abuse of the process of the Court, as well as how the petition aids in securing the ends of justice. Therefore, none of the ingredients required to invoke Section 528 of BNSS (Section



482 of Cr.P.C.) are attracted. The grounds raised in the petition are to be considered during trial, and since disputed facts cannot be adjudicated in a petition filed under Section 528 of BNSS (Section 482 of Cr.P.C.), therefore, the petition is liable to be dismissed, and it is ***dismissed***.

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

DR /CT-AN
List No.: 2 SI No.: 26