



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 103549 OF 2024 (482(CR.PC)/528(BNSS))

BETWEEN:

NEKKANTI SRINIVAS S/O VIRARAJ
AGE 47 YEARS, OCC. FARMER
R/O. SRIRAM NAGAR,
NOW AT JAYANAGAR,
TQ GANGAVATHI,
DISTRICT KOPPAL 583 227.

...PETITIONER

(BY SRI. V.P. VADAVI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY PSI GANGAVATI TOWN P.S.,
TQ. GANGAVATI, AND DIST. KOPPAL,
REPRESENTED BY ADDL S.P.P.
HIGH COURT PREMISES, DHARWAD 580011.

2. B. SURESH S/O. B. TRIMURTHY
AGE 39 YEARS, OCC FARMER,
R/O. NO. 3 SANAPUR,
TQ. KAMPLI, DISTRICT BALLARI 583132.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCPG FOR R1;
SRI. VINAYKUMAR M. SHETTY, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (528 OF BNSS), PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN SC NO.82/2023 PENDING ON THE FILE OF ADDL.DISTRICT AND SESSIONS JUDGE, KOPPAL SITTING AT GANGAVATI AS AGAINST THE PETITIONER/ACCUSED FOR THE ALLEGED OFFENCES PUNISHABLE U/S 307, 504 AND 506 OF IPC IN CRIME NO.211/2022 REGISTERED BY THE GANGAVATI TOWN P.S, IN THE INTEREST OF JUSTICE AND EQUITY.





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 V.P. Vadavi, learned counsel for the petitioner; Smt. Kirtilata R. Patil, learned High Court Government Pleader for respondent No.1; and Sri Vinaykumar M. Shetty, learned counsel for respondent No.2.

2. The petitioner, who is the accused in S.C. No.82/2023, has approached this Court with the present petition.

3. The facts, in a nutshell, which are necessary for the disposal of this petition, are as under:

Upon the complaint filed by respondent No.2, the police registered a case against the petitioner alleging commission of the offence punishable under Section 307 of the Indian Penal Code (for short, 'the IPC').



4. After thorough investigation, a charge sheet came to be filed; charges have been framed, and the trial is in progress.

5. In the meantime, the petitioner has approached this Court contending that the incident was purely accidental and that no ingredients necessary to attract the offence under Section 307 of the IPC are made out, and has sought for allowing the petition.

6. He would further contend that the petitioner had initiated criminal proceedings against respondent No.2 for the offence punishable under Section 138 of the Negotiable Instruments Act (for short, "the N.I. Act"), and that in retaliation thereof, a false complaint came to be filed, followed by a false charge sheet. On these grounds, he sought for allowing the petition.

7. *Per contra* Smt. Kirtilata R. Patil, learned High Court Government Pleader for respondent No.1, and learned counsel for respondent No.2 justified the framing of the



charge under Section 307 of the IPC and sought for dismissal of the petition.

8. Having heard the arguments of both sides, this Court has perused the material available on record. Upon meticulous perusal of the record and the law applicable, it is crystal clear that the Investigating Agency has collected the necessary wound certificate, wherein a fracture injury is noted on the injured.

9. Further, whether the act of the petitioner was intentional so as to attract the offence under Section 307 of the IPC, or whether the incident was accidental, is a matter that has to be adjudicated by the learned Trial Judge after recording evidence.

10. Having regard to the scope of jurisdiction under Section 482 of the Cr.P.C., disputed questions of fact cannot be decided by this Court by conducting a mini trial.

11. Accordingly, the following:



ORDER

- i. The petition is ***dismissed***.
- ii. All defences available to the petitioner are kept open to be urged in the pending trial in accordance with law.

Ordered accordingly.

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

AC
Ct-cmu
LIST NO.: 3 SL NO.: 32