



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.103934 OF 2025
(482 OF CR.PC/528 OF BNSS)

BETWEEN:

1. SHRI MOHAMMED ISMAIL NAIK,
AGE: 55 YEARS,
OCC: SERVICE AS CHAIRMAN,
AT JANATA GRAMEENA BANK,
R/O. COLLEGE ROAD, CHANDGAD,
TAL. CHANDGAD, DIST. KOLHAPUR.
2. SHRI AHIL SHOUKAT DESAI,
AGE: 29 YEARS, OCC: SERVICE AS CLERK,
AT JANATA GRAMEENA BANK,
R/O. COLLEGE ROAD, CHANDGAD,
TAL. CHANDGAD, DIST. KOLHAPUR.
3. SHRI ASLAM SULEMAN TAGARI,
AGE: 44 YEARS,
OCC: SERVICE AS MANAGER,
AT JANATA GRAMEENA BANK,
R/O. COLLEGE ROAD, CHANDGAD,
TAL. CHANDGAD, DIST. KOLHAPUR.
4. SHRI FAROOQ @ USMAN GOUS MULLA,
AGE: 42 YEARS, OCC: SERVICE AS CLERK,
AT JANATA GRAMEENA BANK,
R/O. COLLEGE ROAD, CHANDGAD,
TAL. CHANDGAD, DIST. KOLHAPUR.



5. SHRI JAVED MOULA SAYYED,
AGE: 43 YEARS, OCC: SERVICE AS CLERK,
AT JANATA GRAMEENA BANK,
R/O. COLLEGE ROAD, CHANDGAD,
TAL. CHANDGAD, DIST. KOLHAPUR.

...PETITIONERS

(BY SMT. NAGARATNA S. PATTAR, ADVOCATE.)

AND:

1. SMT. SEEMA SAMEER LATIF,
AGE: 42 YEARS, OCC: HOUSEWIFE,
R/O. AT POST PAPPU COLONY,
NEAR MILLAT NAGAR, TAL. CHANDGAD,
DIST. KOLHAPUR, MAHARASHTRA.
2. THE STATE OF KARNATAKA,
THROUGH APMC YARD
POLICE STATION, BELAGAVI,
R/BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENCH DHARWAD.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R2;
SRI W.M.SHAHPURI, ADVOCATE FOR R1.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO ALLOW THIS PETITION AND QUASH THE PROCEEDINGS INITIATED AGAINST THE PETITIONERS/ACCUSED NO.1 TO 5 IN CRL.CASE NO.821/2025 ARISING OUT OF APMC YARD P.S., BELAGAVI CRIME NO.124/2024 PENDING BEFORE IV JMFC, BELAGAVI, FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 189(2), 191(2), 329(3), 352, 79 READ WITH SECTION 190 OF BHARATIYA NYAYA SANHITA, 2023, IN THE INTEREST OF JUSTICE.

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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR



ORAL ORDER

The petitioners/accused Nos.1 to 5 have preferred this petition under Section 482 of the Criminal Procedure Code, 1973, praying to quash the proceedings initiated against the petitioners/accused nos.1 to 5 in Crl.Case No.821/2025 arising out of APMC Yard P.S., Belagavi Crime No.124/2024 pending before IV JMFC, Belagavi, for the offence punishable under sections 189(2), 191(2), 329(3), 352, 79 read with section 190 of Bharatiya Nyaya Sanhita, 2023, by allowing this criminal petition.

2. It is the brief case of the prosecution that as per the complaint averments, the husband of complainant has taken loan from the society for which the petitioners/accused Nos.1 to 5 who are the directors of the society have trespassed into the house of the complainant and asked money and abused in filthy language and criminally intimidated and given threat to life. Therefore, on these allegations the complaint is lodged.



3. Heard the arguments of Smt.Nagaratna S. Pattar, learned counsel for petitioners/accused Nos.1 to 5, Sri Abhishek Malipatil, learned HCGP for respondent No.2 State and Sri W.M.Shahapuri, learned counsel for respondent No.2 and perused the material available on record.

4. Learned counsel for the petitioners submitted that no such incident has happened and in order to avoid repayment of loan amount by the husband of complainant, such a false complaint is filed. Therefore, prays to quash the proceedings.

5. Upon considering the averments in the complaint, FIR and charge sheet, there is a prima facie case made out that these petitioners/accused persons have criminally trespassed into the house of complainant and in the guise of asking the money have abused in filthy language and also threatened the life and criminally intimidated the complainant. Also during the investigation



the police have got recorded the statement of the complainant under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, before the Magistrate. In the statement given before the Magistrate, the complainant has stated the same thing as alleged in the compliant. Therefore, whether such occurrence of offence has been happened or not is a question of trial and at this stage this cannot be decided in the petition filed under Section 482 of Cr.P.C.

6. Furthermore, the petitioners failed to demonstrate how the petition would give effect to the Code and also how it is abuse of process of Court and also failed to demonstrate what is in this petition to secure the ends of justice. Therefore, the ingredients under Section 482 of Cr.P.C. are not made out to quash the proceedings. Therefore, the petition is liable to be dismissed. Accordingly the criminal petition is dismissed.



**NC: 2026:KHC-D:4701
CRL.P No. 103934 of 2025**

7. In view of disposal of the petition, pending interlocutory applications, if any, stand disposed of as they do not survive for consideration.

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

MRK
CT-AN
List No.: 2 SI No.: 63