



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.104606 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

KANNAN SWAMINATHAN,
AGED ABOUT 45,
S/O. M. SWAMINATHA,
OCCUPATION: ENGINEER,
AT BUDAGA JANGAMA,
TEAM LEADER STUP,
CONSULTANTS OFFICE VIDYAGIRI,
AT KUMBKONM THANJAVUR,
TAMILNADU-612103.

ALSO AT NO.49, V.P.V.
BAKIYALAKSMI NAGAR,
THENPPERUMANALLUR,
THIRUVIDAIMARUDHUR (TALUK),
THANJAVUR DISTRICT-612103,
TAMILNADU.

...PETITIONER

(BY SRI BHAILAPPA C. BALAGALI, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH STATION HOUSE OFFICER,
NAVANAGARA POLICE STATION,



SUB DIVISION, NAVANAGARA CIRCLE,
BAGALKOT, BAGALKOT DIST.-587103,
REP. BY SPP, HIGH COURT OF KARNATAKA,
DHARWAD BENCK.

2. UMASHANAKAR NANJUNDEGOWDA
S/O. NANJUNDEGOWDA,
AGED ABOUT 47 YEARS,
OCC: PROJECT MANAGER,
JAMBUKESWAR ARCADA,
MILLERS ROAD, BENGLORE,
BENGALURU CITY,
KARNATAKA-560052.

...RESPONDENTS

(BY SRI DAYANAND SANGRESHI, HCGP FOR R1;
SRI SHASHANK NAGENDRAN, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.528 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO PRAYING TO QUASH THE FIR IN CRIME NO.02/2025 DATED 04.01.2025 REGISTERED BY THE NAVANAGARA POLICE STATION BAGALKOT, THE COMPLAINT DATED 04.01.2025, CHARGESHEET NO.34/2025 DATED 07.04.2025 AND ENTIRE PROCEEDINGS IN C.C.NO.1943/2025 AGAINST THE PETITIONER/ACCUSED FOR THE OFFENSES PUNISHABLE UNDER SECTION 9 OF THE KARNATAKA STATE PUBLIC RECORDS ACT-2010 AND UNDER SECTION 324(5) THE BHARATIYA NYAYA SANHITA (BNS), 2023, PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE (JR. DN.) AND JMFC COURT, BAGALKOT DISTRICT, BAGALKOT AS PER ANNEXURE-A, B & C 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

Though this matter is listed for admission with the consent of both learned counsel for the petitioner and learned HCGP for State and learned counsel for respondent No.2 it is taken for final disposal.

2. This petition is filed by the petitioner/accused under Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023¹, seeking to quash the criminal proceedings initiated against them with following relief;

"WHEREFORE, IN VIEW OF THE AFOREMENTIONED FACTS AND GROUNDS CITED, THE PETITIONER PRAYS THAT THIS HON'BLE BE PLEASED TO:

i) Quash the FIR in Crime No.02/2025 dated 04.01.2025 registered by the Navanagara police station Bagalkot, the complaint dated 04.01.2025, charge sheet No.34/2025 dated 07.04.2025 and entire proceedings in CC No.1943/2025 against the petitioner/accused for the offence punishable under section 9 of the

¹ Hereinafter referred to as "BNSS, 2023"



Karnataka State Public Records Act-2010 and under section 324(5) The Bharatiya Nyaya Sanhita (BNS), 2023, pending on the file of the learned Additional Civil Judge, (Jr.Dn) and JMFC, Court, Bagalkot District, Bagalkot as per the ANNEXURE-A, B AND C.

ii) Grant such other order/s as this Hon'ble Court deems fit to grant in the facts and circumstances of the case to meet the ends of justice".

3. The brief case of the prosecution is that the petitioner was appointed as a Manager in the Jal Jeevan Mission's multi-gram drinking water supply project. Due to shortcomings in the work, the company issued a show-cause notice to the petitioner. Subsequently, the petitioner/accused was terminated from service and was asked to return the laptop and documents. During the process of returning the laptop and documents on 03.01.2025, the petitioner came to the office and damaged computers, a laptop, and project documents. Therefore, based on these allegations, the complainant has lodged the complaint for the above-stated reasons.



4. Learned counsel for the petitioner submitted that there are no such ingredients in the complaint and that the present complaint has been filed only to harass the petitioner. Therefore, he prays to allow the petition.

5. Learned HCGP for the State has opposed the petition and prays for its dismissal.

6. Upon considering the complaint, FIR, and charge sheet material, there is a prima facie case made out against the petitioner that he has committed the alleged offences. The investigation is completed, and a charge sheet has been filed against the petitioner/accused. There is sufficient material in the charge sheet to show that the laptop and computers were damaged and that project records were also damaged. When such a prima facie case is made out, all disputed facts are to be tried during trial, and at this stage, a petition filed under Section 528 of BNSS (Section 482 of Cr.P.C.) cannot be entertained.



7. Furthermore, the petitioner has 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**