



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**  
**DATED THIS THE 25<sup>TH</sup> DAY OF MARCH, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR**  
**CRIMINAL PETITION NO.104815 OF 2025**  
**(482 OF Cr.PC/528 OF BNSS)**

**BETWEEN:**

1. SMT. NAGAMMA W/O. LATE MANJAPPA,  
AGE: 50 YEARS, OCC: AGRICULTURE,  
R/O. BATTANAHALLI VILLAGE, KOTTUR,  
DIST. VIJAYANAGAR-583135.
2. SHRI NAGARAJA S/O. LATE HANUMANTHAPPA,  
AGE: 50 YEARS, OCC: AGRICULTURE COOLIE,  
R/O. BATTANAHALLI VILLAGE, KOTTUR,  
DIST. VIJAYANAGAR-583135.
3. SHRI RAJA @ RUDRESHA S/O. NAGARAJA,  
AGE: 27 YEARS, OCC: DRIVER,  
R/O. BATTANAHALLI VILLAGE, KOTTUR,  
DIST. VIJAYANAGAR-583135.
4. SMT. NIRMALA W/O. LATE KOTRESHA,  
AGE: 25 YEARS, OCC: HOUSEWIFE,  
R/O. BATTANAHALLI VILLAGE, KOTTUR,  
DIST. VIJAYANAGAR-583135.

...PETITIONERS

(BY SRI R. H. ANGADI, ADVOCATE)



**AND:**

1. THE STATE OF KARNATAKA,  
(KOTTUR POLICE STATION),  
VIJAYANAGARA,  
R/BY STATE PUBLIC PROSECUTOR,  
THE HIGH COURT OF KARNATAKA,  
DHARWAD BENCH, DHARWAD-580011.
2. SMT. RUKKAMMA W/O. SATVADI SUNKAPPA,  
AGE: 60 YEARS, OCC: LABOURER,  
R/O. BATTANAHALLI VILLAGE, KOTTUR,  
DIST. VIJAYANAGAR-583135.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;  
SRI VIJAYKUMAR K. KOTIN, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.528 OF BNSS), PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN KOTTURU POLICE STATION IN P.S. CRIME NO.144/2024, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 115(2), 126(2), 189(2), 190, 191(2), 351(2), 352, 74 OF BNS-2023 (U/S. 323, 341, 142, 149, 147, 503, 504, 354 OF IPC) PENDING IN C.C. NO.43/2025, ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, KUDLIGI COURT, BALLARI, SO FAR AS PETITIONERS WHO ARE ARRAYED AS ACCUSED NO.1 TO 4, TO MEET THE ENDS OF JUSTICE.

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 the petition is listed for admission, with consent of both the learned counsel appearing for the parties, the matter is taken up for final disposal.

2. This criminal petition is filed by the petitioners/accused Nos.1 to 4 under Section 482 of Code of Criminal Procedure (Cr.P.C)/528 of Bharatiya Nagarika Suraksha Sanhita, 2023 (BNSS), praying to quash the entire criminal proceedings, with the following prayer:

**"PRAYER**

*Wherefore, for these and amongst other grounds to be urged at the time of hearing, it is most humbly and graciously prayed that, this Hon'ble Court be pleased to quash the entire criminal proceedings in Koturu Police Station in P.S. Crime No.144/2024, for the offences punishable under Sections 115(2), 126(2), 189(2), 190, 191(2), 351(2), 352, 74 of BNS-2023 (U/Sec 323, 341, 142, 149, 147, 503, 504, 354 of IPC.) pending in C.C. No.43/2025, on the file of Senior Civil Judge and JMFC, Kudligi Court, Ballari, so far as petitioners who are arrayed as accused No.1 to 4, to meet the ends of justice."*



3. It is the brief case of prosecution as per the FIR and complaint averments that there was a property dispute concerning the land of the complainant. Under this property dispute, it is alleged that one Nagamma was trying to encroach upon the land of the complainant, which is adjacent to the land of accused No.1 and have assaulted the complainant and outraged the modesty of the daughter of the complainant; therefore, in this background, the petitioners/accused Nos.1 to 4 have committed the offences as alleged and the crime is registered as above stated.

4. Heard the arguments of both the learned counsel appearing on behalf of the petitioners/accused Nos.1 to 4 and learned HCGP appearing on behalf of respondent No.1/State and learned counsel appearing on behalf of respondent No.2.

5. Learned counsel for the petitioners/accused Nos.1 to 4 submitted that there is no land adjacent to the



land of Nagamma/accused No.1 and there is no encroachment of the land of the complainant.

6. Further submitted that this is a civil dispute, as there is a property dispute pending between the petitioners/accused Nos.1 to 4 and respondent No.2/complainant and they have tried to convert the civil dispute into a criminal case; thus it is abuse of the process of the Court. Hence, prayed to quash the proceedings initiated against the petitioners/accused Nos.1 to 4.

7. Upon considering the averments made in the complaint and upon perusal of the charge sheet, the alleged incident is in the background of the civil dispute. It is alleged in the complaint that accused No.1 was encroaching the land of the complainant, which is adjacent to the land of the accused No.1 and the petitioners/accused Nos.1 to 4 were objecting to the way to go to the land of the complainant. Though there is delay in lodging the complaint, as the incident took place on 16.07.2024, but



the complaint was lodged on 01.08.2024, that is a matter of fact to be considered during the trial.

8. Just because of the delay in lodging the complaint is not a ground to quash proceedings. Furthermore, an attempt has been made to explain the delay in lodging the complaint, but the *prima facie* from the complaint averments and charge sheet materials, the offences alleged are made out. Whether all the disputed facts can be considered in the petition filed under Section 482 of Cr.P.C. is not to be done in the present petition filed under Section 482 of Cr.P.C. All the grounds raised in the petition are all matters of trial, but those are not to be adjudicated in the petition filed under Section 482 of Cr.P.C.

9. The petitioners/accused Nos.1 to 4 have 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 in what way this petition is to secure the ends of justice. Hence, when the grounds are raised, the



same are matters for trial and those cannot be considered in the petition filed under Section 482 of Cr.P.C. Thus, the petition is liable to be dismissed.

10. Accordingly, the petition ***dismissed***.

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

SRA /CT-AN  
List No.: 2 SI No.: 70