



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.105435 OF 2025
(482 OF CR.PC/528 OF BNSS)

BETWEEN:

VISHWANATH RAMESH HULSOGI,
AGE: 44 YEARS, OCC: PRIVATE DOCTOR,
R/O. 461/1, PANCHAKSHARI NAGAR,
NAVANAGAR, HUBBALLI,
DHARWAD DIST.-580025.

...PETITIONER

(BY SRI KRISHNA N. MURNAL, ADVOCATE.)

AND:

1. STATE OF KARNATAKA,
THROUGH PS APMC, NAVANAGAR
HUBBALLI, (HUBLI NORTH SUB-DIVISION),
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENCH AT: DHARWAD, DHARWAD-580011.
2. SAYYED ALI S/O. MEHABOOBASAB HUNCHYALA,
AGE: 29 YEARS, OCC: GOUNDI,
R/O. CHAPPARBAND COLONY, 5TH CROSS,
HOSAYALLAPUR ROAD, DHARWAD-580001.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528
OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING



TO QUASH THE ENTIRE PROCEEDINGS INITIATED AGAINST THIS PETITIONER/ACCUSED NO.1 IN C.C.NO.620/2025 (HUBLI APMC, NAVANAGAR P.S.CRIME NO.97/2024, DATED 22.09.2024) FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 106(1) READ WITH SECTION 3(5) OF BHARATIYA NYAYA SANHITA, 2023, PENDING ON THE FILE OF 3RD ADDITIONAL CIVIL JUDGE & JMFC, HUBBALLI 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

The petitioner/accused No.1 has preferred this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to quash the entire criminal proceedings initiated against this petitioner/accused No.1 in C.C.No.620/2025, arising out of Hubli APMC, Navanagar P.S.Crime No.97/2024, registered for the alleged offence punishable under section 106(1) read with section 3(5) of Bharatiya Nyaya Sanhita, 2023, pending on the file of III Additional Civil Judge & JMFC, Hubballi, by allowing this criminal petition.

2. It is the brief case of the prosecution as per the complaint averments, FIR and charge sheet materials that



accused No.1 was constructing building. The deceased was doing centering work in the said building, which was being constructed by accused No.1. When deceased was so doing the work of centering on 19.09.2024 at 12.00 noon, the complainant who is son of the deceased informed that his father while doing centering work had fallen from the height and sustained injuries and admitted to the hospital. When the complainant went to the hospital, he saw that the deceased suffered grievous injuries and thereafter succumbed to the injuries. Therefore, a complaint is lodged against the accused. The accused have not provided any safety measure or any material while doing centering work and therefore by such non giving of safety articles to the deceased, the deceased died in the said incident. Therefore, death is due to negligence by the accused. Accordingly crime is registered against accused for the offence punishable as stated above.

3. Heard the arguments of Sri Krishna N. Murnal, learned counsel for the petitioner/accused No.1 and Sri



Abhishek Malipatil, learned HCGP for the respondent No.1 State and perused the material made available before the Court.

4. Learned counsel for petitioner/accused No.1 submitted that he has entered into an agreement with one Nazeerahmed for doing centering work and there was a contract between accused No.1 and Nazeerahmed that Nazeerahmed has to provide man power for construction of building and if any untoward incident is happened, the said contractor by name Nazeerahmed is responsible. This contract between the said contractor and accused No.1 is produced as part of material to the petition which is not disputed by the prosecution. The deceased had fallen from the height and died. The allegation against accused No.1 is that he has not provided nay safety measures and articles to the deceased.

5. The petitioner/accused No.1 had entered into contract with one Nazeerahmed who was providing man



services. Accordingly the said contractor Nazeerahmed has entrusted the centering work of building to the deceased. Therefore, here there is no direct contract between the deceased and accused No.1. The deceased was working in the building of accused No.1 but at the instruction of contractor Nazeerahmed. Therefore, it is basically duty of the contractor Nazeerahmed to provide suitable safety measures and articles to the deceased by entrusting the deceased to do centering work.

6. Therefore, considering all these aspects how the death by negligence by accused is attracted is a question for consideration. Except this allegation in the complaint, there are no other allegations. Therefore, the accidental death of the deceased during the course of employment and out of employment is converted into as a criminal offence. The omission to provide safety measures and articles to the deceased is on accused No.2 who is the contractor. Therefore, the criminal proceedings initiated against the petitioner/accused No.1 is found to be abuse of process of



Court. Thus, amenable to come within the ingredients of Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023. Therefore, the proceedings are required to be quashed. Hence, I proceed to pass the following:

ORDER

- i) The petition is allowed.
- ii) The criminal proceedings in C.C.No.620/2025, arising out of Hubli APMC, Navanagar P.S.Crime No.97/2024, registered for the alleged offence punishable under section 106(1) read with section 3(5) of Bharatiya Nyaya Sanhita, 2023, pending on the file of III Additional Civil Judge & JMFC, Hubballi, insofar as petitioner/accused No.1 only is hereby quashed.
- iii) 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



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[VISHWANATH RAMESH HULSOGI VS. STATE OF KARNATAKA AND ANOTHER]

28.04.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

I.A.No.1/2026 is filed by learned counsel for petitioner seeking permission of the Court to correct the name of the trial Court in the prayer column of the petition by writing the correct name of the trial Court as ***III Additional Senior Civil Judge and JMFC, Hubballi***, instead of ***III Additional Civil Judge and JMFC, Hubballi*** and consequently for correction accordingly in the order passed on 26.03.2026.

2. Whatever mistake alleged to have committed in the order is because of the mistake committed by the petitioner himself in the prayer column of the petition. Accordingly, the nomenclature of the Court mentioned in the prayer column of the petition by the learned counsel for the petitioner, the same is the outcome in the order.



Learned counsel for the petitioner has filed his affidavit along with the application I.A.No.1/2026 conceding the mistake committed by him in the prayer column of the petition. Accepting the same, I.A.No.1/2026 is allowed.

3. Learned counsel for petitioner is permitted to make correction in the prayer column of the petition by mentioning the trial Court name as ***III Additional Senior Civil Judge and JMFC, Hubballi***, in the place of ***III Additional Civil Judge and JMFC, Hubballi***.

4. Consequent thereupon, the name of the trial Court wherever '***III Additional Civil Judge and JMFC, Hubballi***' is mentioned in the order dated 26.03.2026, it shall be read as '***III Additional Senior Civil Judge and JMFC, Hubballi***'.

5. This order shall be read in conjunction with the order dated 26.03.2026.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE