



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 105268 OF 2025

(482(CR.PC)/528(BNSS))

C/W

CRIMINAL PETITION NO. 104641 OF 2025

IN CRL.P NO. 105268/2025

BETWEEN:

BASAPPA MURAGEPPA KATTI
AGE. 45 YEARS, OCC. BUSINESS,
R/O. SHURPALI, TQ. JAMKHANDI,
DIST. BAGALKOT.

...PETITIONER

(BY SRI. DUNDAPPA M.MALLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
R/BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
THROUGH SAVALGI PS, TQ. JAMKHANDI,
DIST. BAGALKOT-580011.

2. SHRI. ANNAPPA S/O. NINGAPPA AMBALI
AGE. 59 YEARS, OCC. COOLIE,
R/O. SHURPALI-580011
TQ. JAMKHANDI, DIST. BAGALKOT.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;
SRI. RAJENDRA R. PATIL, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (528 OF BNSS), SEEKING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN CC NO.1570/2022 PENDING ON THE FILE OF PRL.CIVIL JUDGE AND JMFC, JAMKHANDI, FOR THE OFFENCE PUNISHABLE U/S 447, 323, 324, 355, 342, 504, R/W 34 OF IPC, U/S





37 AND 39 OF THE KARNATAKA MONEY LENDERS ACT, 1961 AND SECTION 3 AND 4 OF KARNATAKA PROHIBITION OF CHARGING EXORBITANT INTEREST ACT, 2004, IN CONNECTION WITH SAVALGI P.S. CRIME NO.121/2021, IN SO FAR AS PETITIONER/ACCUSED NO.2 IS CONCERNED.

IN CRL.P NO. 104641/2025
BETWEEN:

1. SANGAPPA S/O MALLAPPA TELI
AGE 45 YEARS, OCC. MONEY LENDER
R/O. SHURPALI,
TQ. JAMAKHANDI DIST. BAGALKOT 587119.
2. MALLAPPA S/O GURUPADAPPA TELI
AGE 65 YEARS, OCC. MONEY LENDER
R/O. SHURPALI,
TQ. JAMAKHANDI DIST. BAGALKOT 587119.

...PETITIONERS

(BY SRI. HARISH S. MAIGUR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
(SAVALGI P.S.)
REPRESENTED BY ITS STATE PUBIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH 580011.
2. SHRI ANNAPPA S/O NINGAPPA AMBALI
AGE 59 YEARS, OCC. COOLIE,
R/O SHURPALI TQ JAMKHANDI,
DIST. BAGALKOT 587119.

...RESPONDENTS

(BY SMT. KIRITILATA R. PATIL, HCGP FOR R1;
SRI. RAJENDRA R. PATIL, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO QUASHED ENTIRE CRIMINAL PROCEEDINGS IN C.C.NO. 1570/2022 PENDING ON THE FILE OF PRI. CIVIL JUDGE AND JMFC, JAMAKHANDI, FOR THE OFFENCES PUNISHABLE U/S. 447, 323, 324, 355, 342, 504, 34 OF IPC, U/S.37 AND 39 OF KARNATAKA MONEY LENDERS ACT 1961, IN SO FAR AS THESE PETITIONERS NO. 1 AND 2 (ACCUSED NO. 1 AND 3), TO MEET THE ENDS OF JUSTICE.



THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

Learned counsel for respondent No.2 would submit that
there is no possibility of amicable settlement.

2. Heard Sri D.M.Malli, Sri Harish S.Maigur, Sri
Rajendra R.Patil and Smt.Kirtilata R.Patil, learned counsel for
the parties.

3. These two petitions are filed by accused with the
following prayer.

In Crl.Pet.No.105268/2025:

*"To quash the entire criminal proceedings in CC
No.1570/2022 pending on the file of Prl.Civil Judge and
JMFC, Jamkhandi, for the offence punishable u/s 447,
323, 324, 355, 342, 504, r/w 34 of IPC, u/s 37 and 39
of the Karnataka Money Lenders Act, 1961 and Section
3 and 4 of Karnataka Prohibition Of Charging Exorbitant
Interest Act, 2004, in connection with Savalgi P.S.
Crime No.121/2021, in so far as petitioner/accused no.2
is concerned."*



In Crl.Pet.No.104641/2025:

"To quash entire criminal proceedings in C.C.No. 1570/2022 pending on the file of Pri. Civil Judge and JMFC, Jamakhandi, for the offences punishable u/s. 447, 323, 324, 355, 342, 504, 34 of ipc, u/s.37 and 39 of Karnataka Money Lenders Act 1961, in so far as these petitioners No. 1 and 2 (accused no. 1 and 3), to meet the ends of justice."

4. Facts in the nutshell which are utmost necessary for disposal of these two petitions are as under:

4.1 A complaint came to be lodged stating that on 25.12.2021 at about 10:00 a.m., three accused persons joined together and when the complainant was carrying out his agricultural operations in land bearing Sy.No.57/8+3/3, trespassed into the land of the complainant and demanded the loan amount to the tune of ₹17,00,000/- including the interest and picked up the quarrel and assaulted the complainant, kicked him and followed the motorcycle of the complainant and when the complainant tried to escape on the motorcycle, all the three accused followed the motorcycle and near the house of the complainant, which is situated in



Shurpali limits in land bearing Sy.No.136/6, again assaulted with hands kicked with the boot and also assaulted with a waist belt.

4.2 Police after registering the case investigated the matter thoroughly and filed charge sheet.

4.3 Learned trial Magistrate has taken cognizance and issued process. Said order is called in question by the accused in these two petitions respectively.

5. Sri D.M.Malli and Sri Harish S.Maigur, learned counsel for the petitioners would contend that a trivial incident has been blown out of proportion and all that the petitioners did is demanded the loan amount with interest which is to the tune of ₹17,00,000/- and in order to avoid the payment of the loan amount, second respondent has filed a false criminal case against the petitioners herein and therefore, continuation of the criminal case would result in abuse of process of law and sought for quashing the pending proceedings.



6. Per contra, Smt.Kirtilata R.Patil, learned High Court Government Pleader and Sri Rajendra R.Patil, learned counsel representing respondent No.2 in both the cases, would contend that investigation has been conducted in respect of the FIR lodged by the scond respondent and statements of the eyewitnesses have been recorded, wound certificate is also collected, which would prime facie established all necessary ingredients to proceed against the petitioners herein for the offences punishable under Section 447, 323, 324, 355, 342, 504 read with Section 34 IPC and under Section 37 and 39 of the Karnataka Moneylenders Act, 1961 and also under Section 3 and 4 of the Karnataka Prohibition of Charging Exorbitant Interest Act, 2004 and therefore, sought for dismissal of the petition.

7. Having heard the arguments of both sides, this Court perused the material on record meticulously.

8. On such perusal of the material on record, motive for the incident is the demand for the repayment of the loan amount.



9. Assuming that the second respondent is due in a sum of ₹17,00,000/- to the petitioners, then the only course that is open for the petitioners is to recover the same by filing necessary proceedings.

10. There was no licence for the parties to trespass into the agricultural land and into the land where the house of the complainant is situated and assault him physically.

11. Statement of the eyewitnesses have been recorded by the investigation agency and wound certificate also discloses the injuries on the body of the complainant.

12. There is no delay in lodging the complaint inasmuch as for the incident that occurred on 25.12.2021, complaint came to be registered on 26.12.2021.

13. Taking note of these aspects of the matter, grounds urged in the petition are hardly sufficient to quash the pending criminal case.

14. Accordingly, following:

ORDER

i. Petitions are dismissed.



- ii. However, all available defences to the petitioners are kept open to be urged in the trial in accordance with law.

Sd/-
(V.SRISHANANDA)
JUDGE

CLK
CT-CMU
LIST NO.: 1 SL NO.: 94