



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 105437 OF 2025

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

BETWEEN:

1. SHIVU S/O BABU BHAJANTRI
AGE. 30 YEARS, OCC. COOLIE,
R/O. SEC.NO.38, NAVANAGAR
BAGALKOT-587103,
TQ. & DIST. BAGALKOT.
2. MANJULA @ MUTTAWWA
W/O BASAVARAJ MULLUR
AGE. 23 YEARS, OCC. COOLIE,
R/O. NIMBALGUNDI
NOW AT MNNIKATTI-587103
TQ. & DIST. BAGALKOT.
3. GANDHI S/O RAMANNA SHIRUR
AGE. 29 YEARS, OCC. AGRICULTURE
R/O.SHIRUR-587103,
TQ. & DIST. BAGALKOT.
4. SHANKRAPPA BASAVANTAPPA TALWAR
AGE. 52 YEARS, OCC. COOLIE
R/O. NIMBALGUNDI-587118
TQ. & DIST. BAGALKOT.

...PETITIONERS

(BY SRI. N.L. BATAKURKI, ADVOCATE)





AND:

1. THE STATE OF KARNATAKA
BY AMENGAD P S
AMENGAD-587112
TQ. & DIST. BAGALKOT
REP. BY SPP AG OFFICE,
HIGH COURT BLDG, DHARWAD.
2. SHEKHAPPA S/O KOMAPPA CHAVAN
AGE. 32 YEARS, OCC. AGRICULTURE
R/O. GULEDGUDD L.T.-587203
TQ. GULEDGUDD,
DIST. BAGALKOT

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;
NOTICE SERVED R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO QUASH THE CHARGE SHEET FILED BY RESPONDENT NO.1 IN AMEENGAD PS CRIME NO.24/2025 FOR THE OFFENCES PUNISHABLE U/SEC 189 (2), 191 (2), 115 (2), 118 (1), 109, 352, 351 (2), 190 OF BNS AND U/SEC 3 (1) (R), (S), 3 (2) (V) OF THE SC AND ST (PREVENTION OF ATROCITIES) ACT ON THE FILE OF II ADDL DISTRICT AND SESSIONS JUDGE BAGALKOT IN SPL CASE NO.51/2025 AND ALSO QUASH THE ENTIRE PROCEEDINGS AGAINST THE ACCUSED NO 4, 7, 12 AND 13/PETITIONER/HEREIN IN SPL. CASE NO.51/2025, IN THE INTEREST OF JUSTICE.

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



ORAL ORDER

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

Objections filed on behalf of the State is taken on record.

2. Learned counsel for the petitioners would submit that case was listed on 04.09.2025 for hearing before charge to 28.10.2025.

3. On 28.10.2025 without hearing the accused, noting the absence of accused No.7, directed the Investigation Officer to file split-up charge sheet against accused No.7 and proceeded to frame the charge without hearing the remaining accused and has thus resulted in miscarriage of justice.

4. On perusal of the order sheet dated 28.10.2025, the submission made on behalf of the petitioners is justified.

5. Accordingly, a case is made out to set aside the order dated 28.10.2025 and direct the learned Special Judge to hear the parties and pass appropriate orders either to frame the charge or otherwise in accordance with the law.



6. Hence, the following:

ORDER

- i. Petition is allowed.
- ii. Order dated 28.10.2025 framing the charges without hearing the present petitioners is hereby set aside and matter is remitted to the learned Special Judge for hearing the present petitioners who are accused and then pass appropriate orders in accordance with law.

**Sd/-
(V.SRISHANANDA)
JUDGE**

CLK
LIST NO.: 1 SL NO.: 63