



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 200452 OF 2026 (GM-RES)

BETWEEN:

1. SRI VIDYASAGAR S/O. SIDRAM SADANOR
AGED ABOUT 36 YEARS,
2. SMT. SARASWATHI W/O. SIDDARAM
AGED ABOUT 64 YEARS
BOTH ARE R/AT HUMANBAD TALUK
DIST. BIDAR-585330.

...PETITIONERS

(BY SRI SOMASHEKHARAIH.R.P., ADVOCATE)

AND:

1. STATE BY HUMNABAD POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI-585107.
2. PRABHAVATHI W/O. PANDARINATH
AGED ABOUT 55 YEARS,
R/AT WANJRI HUMNABAD TOWN
BIDAR DIST-585330.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI AND QUASH THE CHARGE SHEET FILED IN CC NO.791/2017 ON THE FILE OF THE PRL. CIVIL JUDGE AND JMFC, HUMNABAD, BIDAR DIST. UNDER ANNEXURE-L.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Articles 226 and 227 of the Constitution of India, seeking to quash the charge sheet against the petitioners/accused Nos.1 and 2 in C.C.No.791/2017, arising out of PCR No.28/2016, in Crime No.120/2016, registered by Humnabad Police, Bidar, for the offences punishable under Sections 323, 504, 506, 354, 420 and 468 r/w Section 34 of IPC, pending on the file of Principal Civil Judge and JMFC, Humnabad, Bidar.

2. The abridged facts of the case are that, respondent No.2 was the owner of property bearing TMC No.84/92/34 New No.24/92/34/B situated at Humnabad and the petitioners herein purchased the said property



from respondent No.2 by absolute Sale Deed dated 25.08.2012. Thereafter, respondent No.2 filed original suit against the petitioners in O.S.No.41/2013 and the said suit was decreed. Being aggrieved, the petitioners preferred regular appeal against the said judgment and decree in R.A.No.59/2020 and the said regular appeal also dismissed vide order dated 26.02.2024. Against which, regular second appeal was preferred by the petitioners in RSA No.200492/2024 and the same was also dismissed. Aggrieved by the same, review petition was filed and the same is pending in RP.No.200043/2025 before this Court.

3. In the meanwhile, respondent No.2 filed a private complaint on 17.10.2013 against the petitioners in PC No.48/2013 for the offences punishable under Sections 419, 420, 468 and 471 r/w Section 34 of IPC. Based on the said private complaint, the case was referred to the Police under Section 156(3) and the respondent-Police registered the FIR in Crime No.224/2013. Thereafter, the Police have conducted investigation and laid charge sheet



against the petitioners for the aforesaid offences. Accordingly, the Magistrate took cognizance of the offences and the same was registered in C.C.No.420/2014, wherein the learned Magistrate convicted the petitioners. The said conviction order has been challenged by the petitioners in Criminal Appeal No.5020/2021 before the II Additional District and Sessions Judge, Bidar sitting at Basavakalyan. The said appeal was allowed vide order dated 21.12.2022. However, the State has once again challenged the acquittal order in Criminal Appeal No.200246/2023 before this Court. This Court dismissed the said appeal filed by the State vide judgment dated 02.06.2025.

4. Thereafter, once again respondent No.2 filed a private complaint on 08.03.2016 in PC.No.28/2016 in respect of the civil dispute stated supra on 28.02.2016 alleging that the petitioners have trespassed the house of complainant by holding deadly weapons and picked up quarreled with her and thereafter assaulted her. Based on



the said private complaint, the case was referred to the Police under Section 156(3) and the respondent-Police registered the FIR in Crime No.120/2016 dated 08.06.2016. Thereafter, the Police have conducted investigation and laid charge sheet against the petitioners for the offences punishable under Sections 323, 504, 506, 354, 420 and 468 r/w Section 34 of IPC. Accordingly, the learned Magistrate took cognizance of the aforesaid offences. Aggrieved by the same, the petitioners preferred this petition seeking to quash the proceedings.

5. Heard the learned counsel for the petitioners and the learned High Court Government Pleader for respondent No.1 - State.

6. Learned counsel for the petitioners reiterated the averments made in the petition and prays to allow the petition.

7. *Per contra*, learned High Court Government Pleader appearing for respondent No.1-State opposed the petition and prays to dismiss the same.



8. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents made available on record.

9. As could be gathered from records, it is not in dispute that there is a long standing civil dispute between the petitioners and respondent No.2 ever since 2013 and there are multiple cases filed in respect of the civil and criminal between them. Admittedly, the initial complaint was lodged in respect of the similar cause of action by respondent No.2, which was registered in PC No.48/2013 tried before the JMFC in C.C.No.420/2014, the same was allowed and the petitioners were convicted for the charges leveled against them. However, the First Appellate Court acquitted the petitioners in Criminal Appeal No.5020/2021. Against the said acquittal, the complainant preferred an appeal before this Court and the same was dismissed. In such circumstances, for the similar cause of action, once again this private complaint has been lodged by



respondent No.2. Hence, it is clear that, in order to give a criminal colour to the civil dispute, respondent No.2 engaged in filing multiple cases against the petitioners.

10. On overall perusal of the materials on record, I am of the considered view that the continuation of criminal proceedings against the petitioners is abuse of process of Court, since the same is manifestly frivolous, vexatious and instituted with the ulterior motive for wrecking vengeance. The entire allegation in the FIR and charge sheet accepted on its face value, even then, the same do not *prima facie* constitute any offence charge sheeted against the petitioners/accused Nos.1 and 2. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.1 and 2 in C.C.No.791/2017, arising out of PCR No.28/2016, in Crime No.120/2016, registered by Humnabad Police, Bidar, for



the offences punishable under Sections 323, 504, 506, 354, 420 and 468 r/w Section 34 of IPC, pending on the file of Principal Civil Judge and JMFC, Humnabad, Bidar, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE