



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200082 OF 2026

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

BETWEEN:

SMT VIJAYLAXMI W/O DEVAPPA HAVINAL
AGE 35 YEARS, OCC LABOUR
R/O VILLAGE HAVINAL
TQ SHORAPUR DIST YADAGIR-585224.

...PETITIONER

(BY SRI NANDKISHORE BOOB.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY INSPECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS,
KALABURAGI-585102.
2. THE SUPERINTENDENT OF POLICE
YADGIR DISTRICT-585201.
3. THE DY SP
SHORAPUR PS, SHORAPUR-585224.
4. THE CIRCLE INSPECTOR OF POLICE
SHORAPUR PS – 585224.
5. THE POLICE SUB INSPECTOR
SHORAPUR – 585224.

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by SHIVALEELA
DATTATRAYA
UDAGI

Location: HIGH
COURT OF
KARNATAKA



(NOW REPRESENTING BY
ADDL SPP HCKB AT KALABURAGI)

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PLEASED TO ISSUE DIRECTION TO THE R-1 AND R-2 TO ENTRUST THE ABOVE SAID CASE SOME OTHER HIGHER OFFICIALS OR ANY OTHER INVESTIGATION AGENCIES BY CHANGING PRESENT R-4 /IO. AND SET THE ORDER DATED 03.01.2026 PASSED BY THE HONOURABLE PRL. DISTRICT AND SESSIONS JUDGE YADGIR IN SO FAR AS DAUGHTER (VICTIM) OF THE PETITIONER HEREIN CRIME NO. 280/2025 OF SHORAPUR PS.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of BNSS, seeking following prayers:

a) Issue direction to the R-1 & R-2 to entrust the above said case to some other higher officials or any other investigation agencies by changing present R-4/IO.

b) And set aside the order dated 03.01.2026 passed by the Hon'ble Prl. District & Sessions Judge, Yadgir, in so far as daughter



(victim) of the petitioner herein is concerned, in
Crime No.280/2025 of Shorapur PS.

c) And provide proper protection to the
victim and petitioner for recording their
statements and till the disposal of this case.

d) And grant such other equitable relief
as this Hon'ble Court deems fit and proper, by
allowing this petition, in view of the reasons as
stated above, in the interest of justice.

2. The factual matrix of the case is that, the
petitioner lodged a complaint before respondent
No.1-Police on 27.11.2025, alleging that, she is residing
along with her three children and husband. On 23.11.2025
at around 09:30 a.m., her daughter/victim went to a
stream on the outskirts of the village for nature call and
thereafter, she did not return. Immediately, when she
followed her, she saw 4 persons of her village i.e., one
Bhimanna, one Manappa, one Chandrappa and
Hanumantha dragging her. Later, they fled away from the
spot. Thereafter, her daughter/victim was crying and fell



unconscious. When she recovered, the complainant brought her home. Later, on 27.11.2025 i.e., after 4 days, she lodged the complaint against those persons before respondent No.1-Police. The same was registered in Crime No.280/2025 dated 27.11.2025 for the offence punishable under Sections 137(2), 70, 115(2), 351(2), 352 of BNS, 2023 and Section 6 of POCSO Act, 2012.

3. Subsequently, the statements of the victim and the complainant were recorded.

4. During the course of investigation, the investigation officer filed an application before the Principal District and Sessions Judge at Yadgir for conducting the Polygraphy Test of the victim, for which, the counsel for the victim consented. Accordingly, the learned Sessions Judge permitted to conduct the Polygraphy Test in accordance with law. However, the victim and her brother did not appear before the Police and they denied Polygraphy Test. Hence, this petition for the aforementioned prayers.



5. Heard learned counsel for the petitioner and learned HCGP for the respondent-State.

6. Apart from urging several contentions, the learned counsel for the petitioner contented that, though a serious offence of gang rape is committed by the accused persons on a minor girl, the investigation officer has not properly conducted the investigation. According to him, the investigation papers reveals the casual and cavalier manner of investigation conducted by the Investigation Officer. Though it is stated by the Investigation Officer that there was a long standing civil dispute between the complainant's family and the accused family, no such documents were placed by him to substantiate the said aspect.

7. He also contended that, the Investigation Officer has not conducted the investigation as per the provisions of Sections 23 to 25 of POCSO Act, since there is a presumption arising in favour of the victim. In such circumstances, he contented that, the investigation of the



case has to be transferred to some other officials on the rank of DYSP and also the order of the Sessions Judge for Polygraphy test has to be set aside. Accordingly, he prays to allow the petition.

8. *Per contra*, learned HCGP contends that, the investigation papers clearly reveal that a false case has been foisted by the complainant, in view of the long standing civil dispute between the parties. It also reveals that the victim did not treated for gang rape and in the spot of incident, there is no such possibility of committing the gang rape. Further, the accused persons were not present at the scene of occurrence and on the date of incident, they were in different places as per the CDR. As per the statement of other witnesses the incident was not caused, as narrated. In such circumstances, the Investigation Officer has properly conducted the investigation and there is no necessity of changing the Investigation Officer. Accordingly, he prays to dismiss the petition.



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

10. As could be gathered from records, based on the complaint of mother of victim, FIR came to be registered in Crime No.280/2025 for the aforementioned offences. After registration of FIR, respondent No.1-Police conducted the investigation by drawing spot mahazar, Seizure mahazar and by recording the further statement of the complainant and victim and by obtaining her birth certificate from the school. Later, the investigation also obtained CDR of the accused persons. Upon verification of CDR, further statement of complainant and other witnesses, it was revealed that, a false complaint has been foisted by the complainant. As such, to ascertain the same, the prosecution has filed an application to conduct the Polygraphy test of the victim and her mother also. Initially, for the said application, the victim and her



mother consented before the learned Sessions Judge. Accordingly, the learned Sessions Judge ordered for Polygraphy Test in accordance with law. However, subsequently, they did not turned up for Polygraphy Test and denied the same and challenged the said order in this petition. Further, the Investigation Officer collected medical reports Shorapur Government Hospital, at that time it was found that, total 5 persons from Havinal Village received treatment on that day i.e., one Devappa in a road accident, one Basamma, one Amruthalal, one Vijayalakshmi and one Kumari Bhimambika had taken treatment only for physical assault. Though the victim was treated there, did not mention as she was committed gang rape by the accused.

11. It is a vehement contention of the learned counsel for the petitioner that the Investigation Officer is totally biased and not conducted proper investigation. But, the investigation papers reveal that the Investigation Officer has conducted the investigation as per law and



came to a conclusion that, a false complaint has been lodged by the petitioner due to the long standing civil dispute. If the petitioner is aggrieved with the investigation, they are at liberty to place all such documents or witnesses before the Investigation Officer to prove the incident. However, changing of investigation officer cannot be done without any such *malafide* or vengeance is proved by the petitioner. In this case, no such *malafide* intention of the Investigation Officer is *prima facie* forthcoming.

12. In such circumstances, the prayers of the petitioner cannot be granted. Accordingly, the petition lacks merits and the same is ***dismissed***.

**Sd/-
(RAJESH RAI K)
JUDGE**

THM
List No.: 1 Sl No.: 42