



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 200272 OF 2026
(482(Cr.PC)/528(BNSS))**

BETWEEN:

PANDITHRAO
S/O HANAMANTRAO KULKARNI
AGED ABOUT 70 YEARS
OCC: AGRICULTURE
R/O ELENAVADAGI
TQ: ALAND, DIST: KALABURAGI

...PETITIONER

(BY SRI. PATIL SANGANABASAV BASAVARAJ., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
R/BY KALABURAGI TRAFFIC SUB DIN.,
POLICE STATION, KALABURAGI
THROUGH SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585103
2. SHARANABASAPPA
S/O SIDDAPPA REDDY
AGED ABOUT 26 YEARS
OCC: NIL R/O ELENAVADAGI
TQ: ALAND, DIST: KALABURAGI-585104

...RESPONDENTS

(BY SRI.GOPAL KRISHNA B. YADAV, HCGP)





THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD) PRAYING TO QUASHED CHARGE SHEET DATED 24.07.2022 (TRAFFIC SUB DIVISION KALABURAGI P.S CR. NO.167/2022) PASSED BY IV ADDL. SENIOR CIVIL JUDGE AND JMFC COURT KALABURAGI IN C.C NO. 239/2023 FOR THE OFFENCE PUNISHABLE U/SEC. 279, 304(A) OF IPC R/W SEC. 180 AND 181 OF IMV ACT AGAINST THE PETITIONERS IN THE INTEREST OF JUSTICE AND EQUITY.

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 Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings against the petitioner/accused No.1 in C.C.No.239/2023, arising out of Crime No.167/2022, registered by the Traffic Police-II, Kalaburagi City, for the offences punishable under sections 279 and 304(A) of IPC r/w Sections 180 and 181 of IMV Act, pending on the file of IV Add. Senior Civil Judge and JMFC, Kalaburagi.

2. The factual matrix of the case is, respondent No.2/complainant lodged a complaint before respondent No.1-Police on 24.07.2022 alleging that on 22.07.2022, after visiting the Ayurvedic Medicine Center at Ankalagi Village, himself and



his mother-Gaurabai, when reached a place called Kagganamaddi Railway Bridge, his mother asked him to stop the motorcycle to attend nature call. Accordingly, he stopped the motorcycle on the side of the road and in order to attend the nature call, she crossed the road. At that time, one Nagaraj was riding the motorcycle behind respondent No.2, came in rash and negligent manner and dashed to the mother of respondent No.2. As a result, his mother sustained injuries and subsequently, succumbed to the injuries. Accordingly, FIR came to be registered against one Nagaraj i.e., rider of the motorbike bearing No.KA-32/EU-5502, in Crime No.167/2022 for the offences punishable under Sections 279 and 338 of IPC.

3. Subsequently, respondent No.1-Police laid charge sheet in the case, by arraying the petitioner as accused No.1 and arraying one Nagesh as accused No.2. In accusation column of the charge sheet, it is stated that the motorcycle bearing registration No.KA-32/EU-5502 was rode by the petitioner herein, instead of Nagaraj against whom originally complaint was given. On the strength of the charge sheet, learned Magistrate took cognizance of the offence against this



petitioner. Aggrieved by the same, petitioner preferred the petition to quash the proceedings against him.

4. Heard learned counsel for the petitioner and learned HCGP for respondent No.1-State.

5. Apart from urging several contentions, learned counsel for the petitioner has contented that, in the complaint dated 24.07.2022 and in the further statement of respondent No.2, which was recorded after 2 days i.e., on 26.07.2022, he has specifically stated that one Nagaraj was rider of the motorbike bearing registration No.KA-32/EU-5502 and he dashed to the mother of respondent No.2, despite, at the time of filing charge sheet, name of the petitioner was implicated in the alleged crime. In such circumstances, he prays to quash the proceedings against this petitioner.

6. *Per contra*, the learned HCGP submits that, now the investigation is completed and charge sheet has been laid against the petitioner and based on the statement of the eyewitnesses, the Investigation Officer has filed the charge sheet against the petitioner. In such circumstances, he prays to dismiss the petition.



7. 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.

8. As could be gathered from the complaint averments, it is the specific case of respondent No.2 that, the rider of the motorcycle bearing registration No.KA-32/EU-5502 i.e., Nagaraj, dashed his mother on the date of incident and he also reiterated the complaint averments in his further statement dated 26.07.2022. Strangely, the respondent No.1-Police recorded the statements of two eye witnesses i.e., CW.6 and CW.7 on 25.07.2022, in the said statements, it is stated that, the petitioner was riding the motorbike.

9. At the cost of repetition, in the further statement of respondent No.2 dated 26.07.2022 i.e., on the next day of recording the statements of CWs.6 and 7, he has categorically reiterated his complaint averments and stated that Nagaraj was riding the motorbike. Nevertheless, both CW.6 and CW.7 are present today before this Court and filed their affidavit and both have specifically stated that, they have not witnessed the incident as alleged by respondent No.1-Police and according to



them, on 25.07.2022, the Police officers asked them to affix their signatures on a blank paper. In such circumstances, it could be gathered that, the petitioner has been falsely implicated in the crime by the respondent No.1-Police for extraneous reason.

10. It is now well settled that continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in **2023 SCC OnLine SC 951**, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for



the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

11. In such circumstances, continuation of the proceedings against the petitioner is nothing but an abuse of the process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.



- ii. The proceedings against the petitioner/accused No.1 in C.C.No.239/2023, arising out of Crime No.167/2022, registered by the Traffic Police-II, Kalaburagi City, for the offences punishable under sections 279 and 304(A) of IPC r/w Sections 180 and 181 of IMV Act, pending on the file of IV Add. Senior Civil Judge and JMFC, Kalaburagi, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

THM
List No.: 1 Sl No.: 15/CT-BH