



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200167 OF 2026

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

BETWEEN:

SRI. DEVINDRA RAMACHANDRAPPA
BADIGER PANCHAL
BIJJUR, OCC: POLICE CONSTABLE
TALUK MUDDEBIHAL
DISTRICT VIJAYAPURA-586212
NOW WORKING PLACE THIRUMALASHETTIHALLI
POLICE STATION, HOSKATE SUB-DIVISION
BENGALURU RURAL DISTRICT-560067.

...PETITIONER

(BY SRI. SUDARSHAN M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH
BASAVAN BAGEWADI POLICE STATION
BASAVAN BAGEWADI REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH.
2. SOMASHEKHAR
S/O GANGAPPA BADIGER
AGE: 50 YEARS, OCC: FARMER
R/O BYAKOD, TALUK BASAVAN BAGEWADI
VIJAYAPURA

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN, HCGP FOR R1;
SMT. SWATI M. N ADV., FOR R2)





THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASHING THE FIR AND COMPLAINT IN CRIME NO.0384/2025 BASAWANA BAGEWADI P.S. ON THE COUNTER COMPLAINT BY THE RESPONDENT NO.2/SOMASHEKHAR, FOR THE OFFENCES PUNISHABLE U/SEC.126(2), 115(2), 351(2), 3(5) OF BNS 2023 AGAINST THE PETITIONER HEREIN/ACCUSED NO.1.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioner has filed this petition under Section 528 of BSS, seeking following relief:

"Wherefore, it is most humbly prayed that this Court be pleased to quashing the FIR and complaint in Crime No.384/2025 registered by Basavana Bagewadi P.S., on the counter complaint by respondent No.2/Somashekhar, for the offences punishable under Sections 126(2), 115(2), 351(2), 3(5) of BNS 2023, against the petitioner herein/accused No.1 in the interest of justice."

2. On the basis of the complaint filed by Somashekhar Gangappa Badiger, Basavan Bagewadi Police have registered the case in Crime No.384/2025, against accused Nos.1 to 4 for the commission of offence



punishable under Sections 126(2), 115(2), 351(2), 352, 3(5) of BNS 2023.

3. Notice was issued to respondent No.2. Respondent No.2 is represented through his counsel.

4. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent No.1 – State so also learned counsel appearing for respondent No.2.

5. Learned counsel appearing on behalf of the petitioner has urged the following grounds to quash the proceedings:

(a) That the averments made in the Complaint prima facie does not attract hone of the ingredients of alleged offences as there is no material evidence on record to show that the petitioner had committed any of the offences as alleged in the Complaint and FIR.

(b) That, the Counter Complaint lodged by the complainant Somashekhar is after thought just to



harass the entire family and the son in law of the Mallanna Yamanappa who is the Govt. Employee, who has nothing to do with Complainant family and members, who is working in Bengaluru, does not have any direct or indirect involvement in the family dispute of both the families. In other words, the Hon'ble High Court under section 482 of Cr.P.C. may invoke its inherent powers in order to prevent the abuse of powers of the Criminal Courts. Hence, the process of Criminal Courts shall not be made a weapon of harassment. As such the said Counter Complaint in Crime No.0384/2025 is filed after 3 days of the Complaint lodged and FIR registered in Crime No.0382/2025, is to harass the family, which is apparent on record and self evident Counter Complaint is lodged due to the personal grudge over the family of the Mallanna Yamanappa, is bad in law and liable to be quashed.



(c) That looking towards the chain of circumstances the allegations made prima facie does not reveal any material in the case initiated and continuation of such criminal proceedings is nothing but abuse of process of law. Therefore, Criminal Proceedings in Cr.No.0384/2025 on the complaint of Respondent No.2, for the offences punishable U/sec.126(2), 115(2), 351(2), 3(5) of BNS 2023, against the petitioner is required to be set aside and consequently, quash the entire proceedings against the Petitioner by allowing the present Petition.

(d) That, no other proceedings or case are pending in respect of the Impugned Order in challenge, before any other Court except before this Hon'ble Court in the present petition.

6. It is submitted by the learned counsel for the petitioner that as on the date of commission of offence, Devindrappa R.Badiger, was working as police constable and also assisting the Investigating Officer. To that effect,



he has produced the letter issued by the Sub-Inspector of Police, Thirumalashettihalli Police Station, Thirumalashettihalli dated 07.04.2026 along with copy of Station House Diary dated 06.04.2026. Accordingly, he prays to allow the petition.

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

8. On perusal of the materials placed before this Court, it is to be clear that prior to registration of FIR against these petitioners, Mallanna Yamanappa Badiger father-in-law of petitioner, has filed a complaint against Somashekhar Gangappa Badiger, who is complainant in Crime No.384/2025. On the basis of the same, the case has been registered in Crime No.382/2025 for the commission of offence punishable under Sections 115(2), 126(2), 324(4), 352, 351(2), 3(5) of BNS 2023. After lapse of 7 days from the date of incident, the accused No.1 in Crime No.382/2025 has filed a complaint against the



present petitioner Devendra Ramachandrappa Badiger and three others. On the basis of that complaint, the case is registered in Crime No.384/2025 for the commission of offence punishable under Sections 126(2), 115(2), 351(2), 352, 3(5) of BNS 2023. On the basis of the certificate issued by the Sub-Inspector of Police, Thirumalashettihalli Police Station and copy of the Station House Diary, at this stage, it is not proper to say that the present petitioner was not present at the time of incident. Only after investigation, the Investigating Officer can consider the defence set up by the petitioner. Though there is delay in filing complaint, on that ground also the proceedings cannot be quashed.

9. On perusal of the papers placed before the Court, at this stage, I do not find any grounds to quash the proceedings. Hence, I proceed to pass the following:

ORDER

The petition is ***disposed of*** with the following observations:



- (a) The Investigating Officer shall investigate the matter in accordance with law.
- (b) The petitioner is at liberty to produce the copy of the letter issued by the Sub-Inspector of Police, Thirumalashettihalli Police Station, Thirumalashettihalli dated 07.04.2026 along with copy of Station House Diary dated 06.04.2026.
- (c) The Investigating Officer shall examine the genuineness of the certificate along with the Station House Diary in accordance with law.

The registry is directed to return the documents vide bearing No.B4PS/RTA.No.09/2026 along with Station House Diary after retaining the copy of the same to the petitioner.

Sd/-
(G BASAVARAJA)
JUDGE