



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200448 OF 2026

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

BETWEEN:

ZULFIQAR ALI
S/O MOHAMMED YAQOOB ALI
AGE: 61 YEARS, OCC: BUSINESS
R/O H.NO.4-744/1/5
PAYAN ROAD HAFT GUMBAZ
JALEEL COMPOUND
KALABURAGI-585 102.

...PETITIONER

(BY SRI. SYED FAYAZUDDIN., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH CHOWK P.S, KALABURAGI,
REPRESENTED BY ADDL. S.P.P
HIGH COURT OF KARNATAKA
KALABURAGI-585103.
2. MOHAMMED YUNS
S/O ABDUL NABI MAHAGAVI
AGE: 77 YEARS, OCC: NIL,
R/O BEHIND BAKAR FUNCTION
HALL BANDENAWAZ COLONY,



KALABURAGI-585102.

...RESPONDENTS

(BY SRI.GOPALKRISHNA B. YADAV., HCGP FOR R1)

THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), PRAYING TO ALLOW THE CRIMINAL PETITION AND TO QUASH THE ENTIRE PROCEEDINGS C.R.NO.121/2024 C.C.NO.12307/2024 REGISTERED BY THE CHOWK P.S AT KALABURAGI FOR THE OFFENCES PUNISHABLE OFFENCES U/S 126(2), 115(2), 352, 351(2), OF BNS, PENDING FOR DISPOSAL BEFORE THE IIIRD ADDL. CIVIL JUDGE AND JMFC AT KALABURAGI.

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 seeking following relief's:

"Wherefore, under the facts and circumstances of the case, the Hon'ble Court be pleased to allow the criminal petition and to quash the entire proceedings in Cr.No.121/2024 in C.C.No.12307/2024 registered by the Chowk P.S., at Kalaburagi for the offences punishable under Sections 126(2), 115(2), 352, 351(2) of Bharatiya Nyaya Sanhita, 2023, pending for disposal before the III Addl. Civil Judge and JMFC at Kalaburagi, in the interest of justice and equity."



2. Learned counsel appearing on behalf of the petitioner would submit that the FIR was registered and charge sheet filed by respondent No.1- is liable to be quashed, as no procedure of enquiry is followed prior to the registration of the FIR. There is a civil dispute between the complainant's grand-son and the petitioner about the tenancy of shop in question and recovery of rent in respect of same the suit in O.S.No.266/2024 is pending before the V Addl. Civil Judge, Kalaburagi. The complainant's grandson is not a tenant and he is subtenant of the tenant and sub-tenancy is created without the consent of the petitioner. To the civil matter, a criminal color was given to harass the lawful owner i.e., petitioner. As per the complainant, the respondent No.2 assaulted on 08.07.2024 at about 08.30 p.m. and he has taken first aid at the Government Hospital, Kalaburagi and on the next day, the respondent No.2 got himself admitted in the Bahmani Hospital, Kalaburagi and created the story as per his wishes and no MLC was recorded at the Government



Hospital, Kalaburagi. The complainant in the complaint dated 09.07.2024 stated that he was assaulted on the right side of the face. On the contrary, in further statement recorded on 10.07.2024, he made several improvements by narrating the assault on the other parts of the body. Hence, there is an after thought improvement in the statement. As per the complaint, the complainant and his grandson had gone to the house of the petitioner and the presence of the other witnesses makes thoughtful that the false case is registered and the petitioner who is lawful owner, is framed in that for the ulterior motive. There is long delay in the registering the FIR. On all these grounds, sought for allowing of the petition.

3. To substantiate his arguments, he relied on the decision of the Hon'ble Supreme Court in the case of ***Bashir Ahmad Dar and Others Vs. UT of J&K and Another***, reported in ***2022 Supreme (J & K) 420***.

4. I have heard the arguments on both sides.



5. I have examined the materials placed before this Court. On the basis of the complaint filed by Mohammed Yunus, the Chowk Police registered the case in Crime No. 121/2024 against the accused, who is the present petitioner, for offences under Sections 126(2), 115(2), 352, and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and submitted the FIR to the Court.

6. After a thorough investigation, the Investigating Officer submitted the charge sheet against the accused for the commission of offences under Sections 126(2), 115(2), 352, and 351(2) of the Bharatiya Nyaya Sanhita, 2023. The complainant, who is the injured, is CW2. PW3, PW4, and PW5 are the eye witnesses. CW7 and CW6 are also eye witnesses.

7. On a perusal of these materials, at this stage, I am of the considered opinion that there are prima facie materials to proceed against the accused for the alleged commission of offences. The alleged incident took place on 08.07.2024, and the complaint was filed on 09.07.2024.



There is no abnormal delay. The complainant is not a party to these proceedings. Additionally, the complaint was filed on 09.07.2024. The suit O.S. No. 266/2024 was filed on 25.07.2024, only after the alleged incident. Hence, the question of giving criminal colour to the civil suit does not arise.

8. The decision relied upon by the learned counsel for the petitioner is not at all applicable to the case on hand. Viewed from any angle, I do not find any materials to stay the proceedings.

9. Accordingly, I proceed to pass the following:

ORDER

i. The petition is dismissed.

Sd/-
(G BASAVARAJA)
JUDGE

MSR,TIN
List No.: 1 Sl No.: 37