



IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 27TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL PETITION NO. 200452 OF 2026
(482(Cr.PC)/528(BNSS))

BETWEEN:

SANNA BHEEMARAY
S/O HANAMANTH JULBENOR
AGE: 36 YEARS, OCC: LABOUR
R/O ARKERA (K) VILLAGE
TQ: GURMITKAL, DIST: YADGIR-585202

...PETITIONER

(BY SRI. S K BABSHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH GURUMITKAL POLICE STATION
BIDAR, REPRESENTED BY
THE ADDL. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURGI BENCH-585107

2. SABANNA S/O SABANNA JULBENOR
AGE: 60 YEARS, OCC: FARMER
R/O ARKERA (K) VILLAGE
TQ: GURUMITKAL, DIST: YADGIR-585202

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN, HCGP FOR R1)

THIS CRL.P IS FILED U/SEC. 482 OF CR.P.C (OLD)
U/SEC. 528 OF BNSS (NEW) PRAYING TO ALLOW THIS
PETITION AND QUASH THE CHARGE-SHEET FILED AGAINST



THE PETITIONER/ACCUSED NO.2 FOR THE OFFENCE PUNISHABLE U/SEC.115(2), 118(1), 352, 351(3), R/W SEC. 3(5) OF BNS ACT, 2023, BY THE GURUMITKAL P.S, NOW THE CASE IS PENDING BEFORE THE PRL. CIVIL JUDGE AND JMFC, AT YADGIRI, IN C.C.NO.127/2026 (CRIME NO.230/2025).

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

This petition is filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS, 2023') seeking following reliefs:

"Wherefore, it is prayed that this Hon'ble Court may kindly be pleased to allow this petition and quash the charge-sheet filed against the petitioner/accused No.2 for the offences punishable under Sections 115(2), 118(1), 352, 351(3) read with Section 3(5) of BNS Act, 2023, by the Gurumitkal P.S., now the case is pending before the Prl. Civil Judge & JMFC, at Yadgiri, in C.C.No.127/2026 (Crime No.230/2025), in the interest of justice and equity."

2. The Learned counsel appearing for the petitioner-accused No.2 would submit that, a false case has been registered against the petitioner, and the same is liable to be quashed. Petitioner-accused No.2 is no way connected to the alleged incident. Thus, the charge-sheet



filed against the petitioner is liable to be quashed. On the date of alleged incident, petitioner-accused No.2 is not present on the date and time of the alleged incident as alleged by the complainant. On the date of alleged incident, petitioner-accused No.2 was residing at Bengaluru and doing coolie work. So, his involvement in the alleged crime is false. Respondent No.2 has filed the false complaint against the petitioner to harass him and take revenge. There is a civil dispute between the complainant and the accused. Hence, complainant has filed a false case against the accused. To substantiate his argument, he has produced the list of coolies dated 08.12.2025 to 14.12.2025 issued by Beerappa Mestri. On all these grounds, prays to allow the petition.

3. I have examined the materials placed before this Court.

4. On the basis of the complaint filed by Sabanna, the respondent-Gurumitkal Police have registered a case



in Crime No.230/2025 against accused Nos.1 to 4 for the offences punishable under Sections 115(2), 118(1), 352, 351(3) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023. After the investigation, the Investigating Officer has laid the charge-sheet against accused Nos.1 to 4 for the offences punishable under Sections 115(2), 118(1), 352, 351(3) read with Section 3(5) of BNS, 2023.

5. The present petitioner had filed petition before this Court in Crl.P.No.200008/2026 under Section 528 of BNSS to quash the proceedings pertaining to Crime No.230/2025. The same was withdrawn on 12.01.2026 with liberty to approach this Court after filing the charge sheet. After filing the charge sheet, the petitioner has filed this petition to quash the proceedings on the ground that the petitioner was not present at the time of alleged incident.

6. At this stage, on the basis of the list of coolies dated 08.12.2025 to 14.12.2025 issued by Beerappa



Mestri, it is not possible to quash the proceedings. The petitioner has given his address in this petition as resident of Arkera (K) village, Gurmitkal Taluk, Yadgiri District. The petitioner has not furnished the residential address where he is working at Bengaluru.

7. In the charge-sheet, the Investigating Officer has submitted that since accused No.2 is absconding, notice also issued under Section 35(3) of BNSS, however, he has not appeared before the police. This conduct of the petitioner-accused clearly goes to show that he has not cooperated for the investigation. Despite service of notice, he has not appeared before the Investigating Officer. If really he was residing in Kanaka Nagar, Bengaluru as on the date of commission of offence, he would have submitted the same before the Investigating Officer. But, he has not done so.

8. A perusal of materials placed before this Court, absolutely there are no materials to quash the proceedings



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initiated against the present petitioner-accused No.2.

Hence, petition is ***dismissed***.

**Sd/-
(G BASAVARAJA)
JUDGE**

SDU
LIST NO.: 1 SL NO.: 1
CT-BH