



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.200969 OF 2025

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

BETWEEN:

1. AMBARAYA S/O SHARANAPPA JINJE,
AGE: 46 YEARS, OCC: SOCIAL WORK,
2. DIGAMBAR S/O RUKMANNA JINJE,
AGE: 55 YEARS, OCC: SOCIAL WORK,
3. PARVATI W/O AMBARAYA JINJE,
AGE: 40 YEARS, OCC: HOUSEHOLD,
ALL ARE R/O BELAMAGI VILLAGE,
TQ. ALAND, DIST. KALABURAGI-585302.

...PETITIONERS

(BY SRI. GURURAJ V. HASILKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH NARONA POLICE STATION,
TQ. ALAND, DIST. KALABURAGI
REPRESENTED BY ADDL. S.P.P.
HIGH COURT OF KARNATAKA
KALABURAGI-585107.
2. BABURAO S/O SHARANAPPA MINCHALKAR,
AGE: 42 YEARS, OCC: COOLIE,
R/O BELAMAGI VILLAGE,

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA



TQ. ALAND, DIST. KALABURAGI-585302.

...RESPONDENTS

(BY SRI. GOPALKRISHNA B. YADAV, HCGP FOR R1;
SRI. ARUNKUMAR AMARGUNDAPPA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (OLD), UNDER SECTION 528 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION OF THE PETITIONERS AND QUASH THE ENTIRE PROCEEDINGS OF C.C. NO.2532/2024 VIDE CRIME NO.131/2023 OF NARONA P.S. TQ. ALAND, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 341, 323, 324, 109, 504, 506 READ WITH SEC.149 OF I.P.C. AGAINST THE PETITIONERS, WHICH IS PENDING ON THE FILE OF ADDL. CIVIL JUDGE (JD) AND JMFC AT ALAND.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The present petition is filed by accused Nos.8 to 10 under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the proceedings in C.C. No.2532/2024, arising out of Crime No.131/2023, registered for the offences punishable under Sections 143,



147, 148, 341, 323, 324, 109, 504, 506 read with Section 149 of the Indian Penal Code.

2. The petitioners seek quashing of the proceedings on the ground that, even if the allegations contained in the FIR are accepted in their entirety and read conjointly with the charge sheet materials, there are no specific or incriminating allegations demonstrating that the petitioners had in any manner instigated accused Nos.1 to 6, who are alleged to have assaulted the complainant. It is contended that except for a bald and omnibus reference in the charge sheet that the petitioners had instigated the principal accused, there is no supporting material to substantiate such allegation. Therefore, the petitioners seek indulgence of this Court to quash the proceedings pending against them in C.C.No.2532/2024.

3. Per contra, learned counsel appearing for respondent No.2, by referring to the charge sheet



materials, would contend that the statements of the witnesses clearly indicate the involvement of the petitioners. It is submitted that all material witnesses have consistently stated before the Investigating Officer that the petitioners had instigated accused Nos.1 to 6 to assault the complainant, and therefore, the proceedings cannot be quashed at the threshold.

4. Similarly, the learned High Court Government Pleader also supports the prosecution and submits that there are *prima facie* materials on record sufficient to proceed against the petitioners.

5. Heard the learned counsel appearing for the parties and perused the charge sheet records with care.

6. Before advertng to the rival contentions, it would be apposite for this Court to extract the gist of the allegations as narrated in the complaint forming part of the first information report, which reads thus:



HC-KAR

NC: 2025:KHC-K:6101
CRL.P No. 200969 of 2025

"ಇಂದು ದಿನಾಂಕ, 12/10/2023 ರಂದು 16.30 ಗಂಟೆಗೆ ಫಿರ್ಯಾದಿದಾರರಾದ ಶ್ರೀ ಬಾಬುರಾವ ತಂದೆ ಶರಣಪ್ಪ ಮಿಂಚಲಕರ ವ: 42 ವರ್ಷ, ಜಾ| ಪ.ಜಾತಿ, ಉ| ಕೂಲಿಕೆಲಸ, ಸಾ: ಬೆಳಮಗಿ ಗ್ರಾಮ, ತಾ| ಆಳಂದ ಮೊ.ನಂ. 8431768700 ಇವರು ಪೊಲೀಸ ತಾಣಿಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ ಫಿರ್ಯಾದಿ ಸಾರಾಂಶವೇನೆಂದರೆ ದಿನಾಂಕ, 11/10/2023 ರಂದು ರಾತ್ರಿ 09.00 ಗಂಟೆ ಸುಮಾರಿಗೆ ನಾನು ಕೆಲಸದಿಂದ ಮರಳಿ ಮನೆಗೆ ಬರುತ್ತಿರುವಾಗ ನಮ್ಮೂರಿನ ಗ್ರಾಮ ಪಂಚಾಯತ ಕಾರ್ಯಾಲಯದ ಎದುರುಗಡೆ ನಮ್ಮ ಜಾತಿಯ 01) ಚನ್ನಪ್ಪ ತಂದೆ ಸುಭಾಷ ಜಿಂಜೆ, 02] ಗೌತಮ ತಂದೆ ಸುಭಾಷ ಜಿಂಜೆ, 03] ನಾಗರಾಜ ತಂದೆ ದಿಗಂಬರ ಜಿಂಜೆ, 04) ರಾಜಕುಮಾರ ತಂದೆ ಶಾಂತಪ್ಪ ಜಿಂಜೆ, 05] ನಾಗೇಶ ತಂದೆ ದಯಾನಂದ ಜಿಂಜೆ, 06] ಸನ್ನಿ ತಂದೆ ಸುಭಾಸ ಜಿಂಜೆ ಇವರು ನನ್ನ ಹತ್ತಿರ ಬಂದು ಎಲ್ಲರೂ ನನಗೆ ರಂಡಿ ಮಗನೆ ನೀನು ಕಸನಕರ, ಟೋಪನ, ಬಸನಾಕರ, ಬಡಿಗೇರ, ಬಾಲ ಕುಟುಂಬದವರೊಂದಿಗೆ ತಿರುಗಾಡುತ್ತಿ ಮಗನೆ ನಿನಗೆ ಸೊಕ್ಕು ಬಂದಿದೆ ಅಂತ ಅವಾಚೆಯವಾಗಿ ಬೈದು ಅವರಲ್ಲಿ, ಚನ್ನಪ್ಪ ಇತನು ತನ್ನ ಹತ್ತಿರ ಇದ್ದ ಬಡಿಗೆಯಿಂದ ನನ್ನ ಬೆನ್ನಿನ ಮೇಲೆ ಹೊಡೆದು ಗುಪ್ತಗಾಯ ಮಾಡಿದ್ದು, ಗೌತಮ ಇತನು ನನಗೆ ಕೈಯಿಂದ ಹೊಡೆ ಬಡೆ ಮಾಡಿದ್ದು, ನಾಗರಾಜ ಇತನು ತನ್ನ ಹತ್ತಿರ ಇದ್ದ ರಾಡಿನಿಂದ ನನ್ನ ಕಾಲಿನ ಮೇಲೆ ಹೊಡೆದನು. ರಾಜಕುಮಾರ, ನಾಗೇಶ, ಸನ್ನಿ ಇವರು ನನ್ನ ಎದೆಯ ಮೇಲಿನ ಅಂಗಿ ಹಿಡಿದು ಜಗ್ಗಾಡಿ ಮುಂದೆ. ಹೊಗದಂತೆ ತಡೆದು ನಿಲಿಸಿ ಕೈಯಿಂದ ಕಪಾಳ ಮೇಲೆ ಹೊಡೆದಿರುತ್ತಾರೆ, ಎಲ್ಲರೂ ನಮ್ಮ ಹಿಂದೆ ಅಂಬಾರಾಯ್ ತಂದೆ ಶರಣಪ್ಪ ಜಿಂಜೆ, ದಿಗಂಬರ ತಂದೆ ರುಕ್ಷಣ್ಣ ಜಿಂಜೆ, ಪಾರ್ವತಿ ಗಂಡ ಅಂಬಾರಾಯ ಜಿಂಜೆ ಇರುತ್ತಾರೆ. ನಾನು ಏನು ಮಾಡಿದರೂ ನಮಗೆ ಅವರು ಬಿಡಿಸಿಕೊಂಡು ಬರುತ್ತಾರೆ ನಿನಗೆ ಹೊಡೆದು ಖಲಾಸ ಮಾಡಿರಿ ಅಂತ ಹೇಳಿರುತ್ತಾರೆ, ಆಗ ಚನ್ನಪ್ಪನ ತಾಯಿ ಅಂಜನಾ ಗಂಡ ಸುಭಾಷ ಜಿಂಜೆ ಇವಳು ಬಂದು ಈ ರಂಡಿ ಮಗನಿಗೆ ಹೊಡೆಯಿರಿ ಅಂತ ಬೈದು ಕೈಯಿಂದ ಕಪಾಳ ಮೇಲೆ ಹೊಡೆದಿರುತ್ತಾಳೆ. ನಾನು ಚೀರಾಡುವ ಸಪ್ಪಳ ಕೇಳಿ ನಮ್ಮ ಓಣಿಯ ಅಂಬಾರಾಯಿ ತಂದೆ ಶರಣಪ್ಪ ಕಸನಕರ, ಚಿಂತಾಮಣಿ ತಂದೆ ಸಿದ್ದರಾಮಪ್ಪ ಕಸನಕರ, ಮಲ್ಲಿಕಾರ್ಜುನ ತಂದೆ ರಾಮಚಂದ್ರ ಸನಾದಿ ಇವರು ಜಗಳ ನೋಡಿ ಬಿಡಿಸಿರುತ್ತಾರೆ. ನನಗೆ ಅಷ್ಟೇನು ಗಾಯವಾಗದ ಕಾರಣ ಉಪಚಾರ ಕುರಿತು ಆಸ್ಪತ್ರೆಗೆ ಹೋಗಿರುವುದಿಲ್ಲ. ಈ ಜಗಳಕ್ಕೆ ಅಂಬಾರಾಯ ತಂದೆ ಶರಣಪ್ಪ ಬೆಂಜೆ, ದಿಗಂಬರ ತಲೆ ರುಕ್ಷಣ್ಣ ಜಿಂಜೆ, ಪಾರ್ವತಿ ಗಂಡ ಅಂಬಾರಾಯ ಜಿಂಜೆ ಇವರ ಕುಮ್ಮಕ್ಕು ಇರುತ್ತದೆ. ನಿನ್ನೆ ವಾಹನದ ಅನುಕೂಲತೆ ಇಲ್ಲದ ಕಾರಣ ಇಂದು ತಡವಾಗಿ ಪೊಲೀಸ ತಾಣಿಗೆ ಬಂದಿರುತ್ತೇನೆ, ಕಾರಣ ಮಾನ್ಯರವರು ಈ ಬಗ್ಗೆ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕು ಅಂತ ಕೊಟ್ಟ ಫಿರ್ಯಾದಿ ಸಾರಾಂಶದ ಮೇಲಿಂದ ನಾನು ಆನಂದ ಹೆಚ್.ಸಿ. 226 ನರೋಣಾ ಪೊಲೀಸ್ ತಾಣೆ ಗುನ್ನೆ ನಂ.131/2023 ಕಲಂ 143, 147, 148, 341, 323, 324,



504, , 506 109, 149, ಐ.ಪಿ.ಸಿ ಅಡಿಯಲ್ಲಿ ಪ್ರಕರಣ ದಾಖಲು ಮಾಡಿಕೊಂಡು
ತನಿಖೆ ಕೈಕೊಂಡೆನು."

7. On careful consideration of the overt acts attributed to the petitioners in the FIR and the statements of the witnesses recorded during investigation, this Court is of the considered view that there is absolutely no material forthcoming in the charge sheet to justify the prosecution of the petitioners, who are arraigned as accused Nos.8 to 10, solely on the premise that they had instigated accused Nos.1 to 6 to assault the complainant. A mere casual or omnibus reference in the charge sheet that the petitioners "instigated" the principal accused, without any supporting statement or circumstance evidencing such abetment, cannot by itself constitute sufficient material to proceed against them.

8. It is well settled that the sine qua non for taking cognizance and proceeding to trial is the existence of prima facie incriminating material that, if unrebutted,



would reasonably connect the accused with the commission of the alleged offence. The charge sheet must, therefore, disclose specific acts, overt participation, or circumstances indicative of culpability. The mere filing of a charge sheet cannot be treated as a mechanical formality to subject individuals to the rigours of a criminal trial, particularly when the investigation materials themselves do not disclose any substantive role attributable to them.

9. In the present case, except for a bald mention in Column No.17 of the charge sheet that the petitioners had instigated accused Nos.1 to 6, there is no witness statement, seizure, or circumstance supporting such an allegation. The Investigating Officer appears to have arrayed these petitioners merely on the basis of suspicion or hearsay, which falls far short of the legal requirement for framing of charges or continuation of prosecution.



10. Permitting the proceedings to continue against such individuals, in the absence of any *prima facie* material, would amount to nothing short of an abuse of the process of law and would defeat the very object of the inherent powers conferred under Section 482 of Cr.P.C., which are intended to prevent miscarriage of justice. Even if the case were to proceed to trial, the possibility of conviction of the petitioners, on the basis of the existing materials, is extremely remote and improbable. Therefore, subjecting them to a protracted criminal trial would serve no purpose other than causing undue hardship and harassment.

11. In view of the foregoing discussion, and in order to secure the ends of justice, this Court finds it a fit case to exercise its inherent powers under Section 482 of the Code of Criminal Procedure and proceeds to pass the following:



ORDER

(i) The petition is allowed.

(ii) The proceedings in C.C. No.2532/2024, arising out of Crime No.131/2023, pending on the file of the Additional Civil Judge (Junior Division) and Judicial Magistrate First Class, Aland, for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 109, 504, 506 read with Section 149 of the Indian Penal Code, insofar as the present petitioners (accused Nos.8 to 10) are concerned, stand quashed.

(iii) It is, however, made clear that the proceedings against the remaining accused shall continue in accordance with law.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

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