



**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. 200735 OF 2024
(482(Cr.PC)/528(BNSS))**

BETWEEN:

MALLIKARJUN PATIL S/O SHAMRAO PATIL
AGE: 53 YEARS, OCC: FDC TASHIL OFFICE,
SPL. LAO KALABURAGI
R/O PLOT NO.523, ALAND ROAD
JR NAGAR, SANTOS COLONY
NEAR HANUMAN TEMPLE, KALABURAGI
TQ: AND DIST: KALABURAGI.

...PETITIONER

(BY SRI. BASAVALING NASI., ADVOCATE)

AND:

1. STATE THROUGH
BRAHAMPUR PS
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA AT
KALABURAGI BENCH-585103.
2. SRI.MADHURAJ
S/O BASAPPA KUDALAGI
AGE: 45 YEARS, OCC: TASHILDAR
KALABURAGI, R/O TASHILDAR OFFICE
KALABURAGI CITY,
KARNATAKA PIN CODE-585103.

...RESPONDENTS

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





THIS CRL.P IS FILED U/S.482 OF CR.P.C. U/SEC. 528 OF BNSS (NEW) PRAYING TO ALLOW THIS PETITION AND QUASH THE FIR IN CRIME NO.49/2024 OF BRAHAMAPUR PS KALABURAGI FOR THE OFFENCE U/S 379 OF IPC 1860 PENDING ON THE FILE OF IV ADDL. C.J. (J.D) AND JMFC AT GULBARGA AND ETC.,

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 FIR against the petitioner/accused in Crime No.49/2024, registered by Brahmapur Police Station, Kalaburagi, for the offence punishable under Section 379 of IPC, pending on the file of IV-Addl. Civil Judge (Jr. Dn.) & JMFC, Kalaburagi.

2. Learned counsel for the petitioner/accused contended that the allegation made in the complaint that the documents pertaining to Sy.No.53 situated at Vakkelagera village, Kalaburagi, was missed at the hands of the petitioner, who was working as FDA in Tahsildar Office, Kalaburagi. As such, the Tahsildar-respondent No.2



lodged a complaint against the petitioner. Accordingly, Brahmapur Police have registered the case against the petitioner in Crime No.49/2024 for the aforementioned offence.

3. It is the contention of the learned counsel for the petitioner that he was not at all in-charge of the file i.e., File No.MAG:154/1994-95 and the same was not in the charge list. Further, he was neither authorized officer to retain the file nor custodian of the file. By placing reliance on the charge list, he submits that the petitioner is no way connected to the said allegation. Hence, he prays to allow the petition.

4. Learned High Court Government Pleader fairly submits that the petitioner is at liberty to place relevant documents to substantiate that he was not the authorized person/custodian of the missed file, before the Investigating Officer, since the investigation is still under progress.



5. In such circumstances, accepting the submission of learned High Court Government Pleader, the petition is ***disposed of*** reserving liberty to the petitioner/accused to place the charge list and other relevant documents, which he intends to rely upon to substantiate that the aforesaid missing file was not in his custody, as claimed by him, before the Investigation Officer.

6. Upon production of those documents with proper explanation and identification, the Investigation Officer shall consider the same in accordance with law.

**Sd/-
(RAJESH RAI K)
JUDGE**

SDU
LIST NO.: 1 SL NO.: 5
CT-BH