



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. 201345 OF 2025

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

BETWEEN:

1. SURYABHAN JADHAV
S/O KAMLAKAR JADHAV
AGE: 62 YEARS
OCC: RETIRED CISF EMPLOYEE

2. BABITA JADHAV
W/O SURYABHAN JADHAV
AGE: 55 YEARS, OCC: HOUSEHOLD

BOTH ARE R/O H.NO.77/4,
SEVANAGAR TANDA,
GHATBORAL, TQ: HUMANABAD, DIST.BIDAR.

3. KISHOR KUMAR JADHAV
@ KISHORE JADHAV
S/O SURYABHAN JADHAV
AGE: 29 YEARS
OCC: ANALYST IN INSURANCE
PLOT NO.11, RADHAMMA COLONY,
RICE MILL ROAD, CHITKUL
DIST: SANGAREDDY

4. SEEMA JADHAV
W/O NAVEEN CHAUHAN KARRA
D/O SURYABHAN KAMLAKAR JADHAV
AGE: 34 YEARS, OCC: PRIVATE SERVICE
R/O H.NO.3-129, MALLIKARJUNA NAGARA



OPP. UPPAL BUS DEPOT, PEERZABIGUDA
MEDHAL, TELANGANA
NOW RESIDING AT 133, SCHOOL ROAD
YERONGA, QLD4104 BRISBANA, AUSTRALIA

5. ANIT S JADHAV
W/O VIKRAM NAIK BUCKYA
AGE: 32 YEARS, OCC: HOUSEHOLD,
R/O H.NO.9-56, VTC BADANGPET
POST: BADANGPET, DIST: K V RANGAREDDY,
TELANGANA STATE

...PETITIONERS

(BY SMT. AMBIKA I CHOWDAPUR., ADVOCATE)

AND:

1. THE STATE THROUGH
CITY WOMEN POLICE STATION
KALABURAGI
(REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI-585107)
2. ARPITA W/O KIRAN KUMAR JADHAV
D/O SHIVARAM, AGE: 28 YEARS,
OCC: HOUSEHOLD, R/O GHAT BORAL
TQ: HUMNABAD
NOW RESIDING AT POOJA COLONY
KALABURAGI-585102

...RESPONDENTS

(BY SRI.GOPALKRISHNA B. YADAV, HCGP FOR R1;
SRI. BASAVARAJ R. MATH ADV., FOR R2)

THIS CRL.P IS FILED U/SEC. 482 OF CR.P.C (OLD)
U/SEC. 528 OF BNSS (NEW) PRAYING TO QUASH THE CHARGE
SHEET THE CASE IS REGISTERED AGAINST PETITIONERS IN
CRIME NO.112/2024 (IN C.C.NO.4491/2025) OF CITY WOMEN
POLICE STATION KALABURAGI OFFENCES U/SEC. 85, 115,
351, 352, 190 OF BNS 2023 AND SECTION 3 AND 4 OF DP ACT,



WHICH THE CASE IS PENDING BEFORE THE HONOURABLE
I ADDITIONAL JMFC KALABURAGI IN C.C.NO.4491/2025.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioners have filed this petition under Section
528 of BNSS 2023, seeking following relief:

"Therefore, it is prayed that, the Hon'ble Court be pleased to quash the charge sheet the case is registered against petitioners in Crime No.112/2024 in C.C.No.4491/2025 of City Women Police Station Kalaburagi offences under Sections 85, 115, 351, 352, 190 of Bharatiya Nyaya Sanhita, 2023 and Section 3 and 4 of DP Act which the case is pending before the Hon'ble I Additional JMFC Kalaburagi in the interest of justice and equity."

2. I have heard the arguments of both counsels.

3. The learned counsel for the petitioners would submit that all the allegations made in the complaint against the petitioners are false and baseless. The petitioners have been falsely implicated at the instigation



of the complainant to harass them. Even if the entire contents of the complaint and other materials on record are taken to be proved, no offence punishable under Section 85 of the BNS, 2023, and Sections 3 and 4 of the DP Act is made out against petitioner Nos. 1 to 5 / accused Nos. 2 to 6.

4. Petitioner No. 1 is aged about 62 years. He is a retired CISF employee and is a heart patient. He is under treatment at Care Hospital, Hi-Tech City, Hyderabad. Petitioner No. 1 was not at all present at the spot. The complainant has filed a false complaint against the petitioner based on false allegations.

5. Petitioner No. 2 is a woman aged about 55 years. She has undergone surgeries for left carpal tunnel syndrome and pulley release of the middle finger, and a first extensor compartment release was done at Yashoda Hospital, Hyderabad. She is still undergoing treatment for the surgery. Petitioner No. 2 was not present at the time of the offence.



6. Petitioner No. 3 is the younger brother of accused No. 1. He was working as an Analyst at Policy Bazaar Insurance Company in Hyderabad. On the date of the offence, he was on duty at his workplace, and the attendance copy has also been produced.

7. Petitioner No. 4 is the younger sister of accused No. 1. She is a married woman and resides with her husband abroad. Her address is H.No. 3-129, Mallikarjuna Nagara, Opp. Uppal Bus Depot, Peerzabiguda, Medhal, Telangana, but she now resides at 133, School Road, Yeronga, OLD4104, Brisbane, Australia. However, the complainant intentionally involved the name of petitioner No. 4 to harass her.

8. Petitioner No. 5 is the second younger sister of accused No. 1. She is a married woman and was residing with her husband abroad. She now resides at H.No. 9-56, VTC: Badangpet, Post: Badangpet, Dist: KV Rangareddy, Telangana State.



9. Further, she would submit that petitioner Nos. 1 and 2 and accused No. 1, Kiran Kumar, were present near the car parking at Chetan School, Super Market, Kalaburagi, on 19.10.2024 at about 1:00 p.m. The complainant and her father were also present. Further, the complainant alleged that petitioner Nos. 1 and 2 and accused No. 1, Kiran Kumar, abused the complainant in filthy language, and accused No. 1, Kiran Kumar, assaulted her. However, the distance between Chetan School, Super Market, Kalaburagi, and the City Women Police Station, Kalaburagi, is only 500 meters. Despite this, the complainant did not file the complaint on the same day. Instead, she and her father went to their house and, after discussion with their family members, filed the complaint with a delay of 6 days. This clearly goes to show that the complaint is concocted and is simply meant to harass accused No. 1 and the petitioners. Therefore, the petitioners deserve the sympathy of this Hon'ble Court to



quash the charge sheet. On all these grounds, the petitioners seek to have this petition allowed.

10. The petitioners have produced the passport and visa of petitioner No.4, Seema.

11. I have examined the materials placed before this Court. On the basis of the complaint filed by Arpita, the women police registered the case in Crime No. 112/2024 against accused Nos. 1 to 6 for the commission of offences under Sections 85, 115, 351, and 354 to 180 of the BNS, 2023, and under Sections 3 and 4 of the POCSO Act.

12. After investigation, the Investigating Officer submitted the charge sheet against accused Nos. 1 to 6 for the commission of offences under Sections 85, 115, 351, and 354 read with Section 180 of the BNS, 2023, and Sections 3 and 4 of the DP Act. In column No. 17 of the charge sheet, it is stated as under:

"The petitioners No. 1 & 2 and accused No.1 Kiran Kumar were present near the car parking at Chetan School, Super Market Kalaburagi, on dated



19-10-2024 at about 1:00 PM, the complainant and her father also present and further the complainant alleged that the petitioners No.1 & 2 and accused No.1 Kiran Kumar were abused the complainant in filthy language and accused No.1 Kiran Kumar was assaulted to her, but the distance between Chetan School, Super Market Kalaburagi and City Women Police Station Kalaburagi is only 500 meters distance, but the complainant has not filed the complaint on same day and herself and her father were went to their house and after discussion with their family members she filed her complaint with the delay of 6 days, it is clearly goes to show that, the complaint is concocted one and simply harassing the accused No.1 and petitioners. Therefore the petitioners are deserve the sympathy of this Hon'ble Court to quash the Charge Sheet."

13. The alleged incident took place on 19.10.2024.

The name and address of petitioner No. 4, i.e., accused No. 5, Seema Jadhav, are shown as under:

*Seema Jadhav W/o Naveen Chauhan Karra
D/o Suryabhan Kamlakar Jadhav
Age:34 years, Occ:Private Service
R/o H.No.3-129, Mallikarjuna Nagara,
Opp. Uppal Bus Depot, Peerzabiguda, Medhal,
Telangana*



*Now Residing at 133, School Road, Yeronga,
OLD4104, Brisbane, Australia.*

14. The petitioner has produced documents to show that she was residing in Australia at the time of the commission of the offence. A perusal of the charge sheet shows that there are no specific overt acts attributed to accused Nos. 5 and 6, who are petitioner Nos. 4 and 5. Nevertheless, the Investigating Officer has submitted the charge sheet against the accused. The proceedings initiated against accused Nos. 5 and 6 amount to an abuse of the process of law.

15. With regard to the other accused, we are concerned that there are prima facie materials to proceed against them. Hence, I proceed to pass the following:

ORDER

- i. The petition is partly allowed.
- ii. The proceedings initiated against accused Nos. 5 and 6, who are petitioner No. 4, Seema Jadhav, and petitioner No. 5, Anit S. Jadhav,



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are hereby quashed. With regard to petitioner
Nos. 1 to 3, who are accused Nos. 2 to 4, the
petition is ***dismissed***.

Sd/-
(G BASAVARAJA)
JUDGE

TIN
List No.: 1 Sl No.: 16
CT-BH