



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201550 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

VISHWARAJ @ VISHWANATH
S/O. NANDAPPA BIRADAR
AGE 23 YEARS, OCC. STUDENT
R/O BIDARANI, TQ. SHAHAPUR
DIST. YADAGIR-585 223.

...PETITIONER

(BY SRI JIDAGE KAILASH C, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SHAHAPUR P.S
DIST. YADAGIR.
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585 102.
2. NINGANNA S/O SHARANABASAV VIBHUTHIHALI
AGE 41 YEARS, OCC. AGRICULTURE
R/O BIDARANI, TQ. SHAHAPUR
DIST. YADAGIR-585 223.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
R2 SERVED)

Digitally signed
by SHIVALEELA
DATTATRAYA
UDAGI

Location: HIGH
COURT OF
KARNATAKA



THIS CRIMINAL PETITION IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CRIME NO.276/2024 C.C. NO.1133/2025 FOR THE OFFENCE U/SEC. 189(2), 191(2), 126(2), 115(2) 118(1), 133, 152, 151 R/W 190 OF BNSS ACT AS AGAINST THE PRESENT PETITIONER A-6 PENDING ON THE FILE OF CIVIL JUDGE AND JMFC SHAHAPUR AT YADAGIR IN THE INTEREST OF JUSTICE.

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 the proceedings against the petitioner/accused No.6 in C.C No.1133/2025, arising out of Crime No.276/2024, registered by Shahapur Police, for the offences punishable under Sections 189(2), 191(2), 126(2), 115(2) 118(1), 133, 352 and 351 r/w Section 190 of Bharatiya Nyaya Sanhita, 2023 [for brevity, 'the BNS, 2023'], pending on the file of Civil Judge and JMFC, Shahapur.

2. The abridged facts of the case are that, on 13.12.2024 at about 9:00 a.m., when respondent No.2



along with his younger brother by name Dharmanna were watering in the field to jawar crops, from the land of Hanmantrayappa Biradar, the accused persons stopped the water. When respondent No.2 questioned the same, the accused persons abused him in filthy language and picked up quarrel with him and also assaulted him by hands, legs and stone. Thereby, respondent No.2 sustained some abrasions to his limb and other parts of the body. As such, respondent No.2 lodged the complaint on next date i.e., on 14.12.2024 against the petitioner and seven accused persons. Subsequently, respondent No.1- Police investigated the case and laid charge sheet against all the accused persons for the aforesaid offences by arraying this petitioner as accused No.6. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioner/accused No.6 preferred this petition to quash the proceedings.

3. Heard learned counsel for the petitioner and learned High Court Government Pleader for respondent



No.1 - State. Though notice is served to respondent No.2, he remained absent.

4. Apart from urging several contentions, learned counsel for the petitioner primarily contended that, at no point of time, this petitioner was present at the scene of occurrence. A false complaint has been lodged against him out of vengeance due to water sharing. According to the petitioner, on the alleged date of incident i.e., on 13.12.2024 he was in training at Global Education Centre at Banhatti for military selection training. To that effect, he has produced Annexure-D i.e., certificate issued by the Global Education Centre. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader appearing for respondent No.1-State opposed the petition and submitted that, now that the investigation is completed and charge sheet has been filed against the



petitioner and others. Hence, the proceedings cannot be quashed and the petition liable to be dismissed.

6. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and perused the documents made available on record.

7. As could be gathered from records, it is not in dispute that alleged incident caused in respect of watering the field of respondent No.2. According to him, all the accused persons including this petitioner have stopped the water flow to his field and when he questioned the same, they abused and assaulted him. Moreover, there was a long standing ill-will between respondent No.2 and the accused persons. The father of petitioner had lodged a complaint against respondent No.2 on 13.12.2024 in Crime No.273/2024 against respondent No.2 and his family members for the offences punishable under Sections 189(2), 191(2), 191(3), 126(2), 115(2), 118(1),



352, 351(2) r/w Section 190 of BNS, 2023. As such, this complaint is lodged as a counter blast against the petitioner and other accused. Moreover, on careful perusal of the certificate issued by the learned counsel for the petitioner as per Annexure-D, the same depicts that on the alleged date of incident i.e., 13.12.2024, the petitioner was in training at Global Education Centre. The certificate further depicts that, to that effect, the Educational Institution is having the CCTV footages and the attendance register. In such circumstance, the allegations made against the petitioner is not believable in nature and the same is out of vengeance.

8. It is now well settled that, continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***,



held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself



only to the stage of a case, but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

9. Applying the said principles to the facts and circumstances of the case, I am of the considered view that the FIR registered against the petitioner/accused No.6 based on the complaint is frivolous, vexatious and the same is registered with an ulterior motive. The entire allegation made in the charge sheet materials accepted on its face value, even then, the same do not constitute any offences against the petitioner/accused No.6. Hence, in my considered view, continuation of proceedings against the petitioner/accused No.6 is abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.



- ii. The proceedings against the petitioner/accused No.6 in C.C.No.1133/2025, arising out of Crime No.276/2024, registered by Shahapur Police, for the offences punishable under Sections 189(2), 191(2), 126(2), 115(2) 118(1), 133, 352 and 351 r/w Section 190 of Bharatiya Nyaya Sanhita, 2023 pending on the file of Civil Judge and JMFC, Shahapur, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 1 Sl No.: 5
CT-RJ