



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201795 OF 2025

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

BETWEEN:

1. MOHAMMED ZAKEER HUSSAIN
S/O MOHAMMED HAROON HUSENA
AGE: 45 YEARS, OCC: MECHANIC IN
GOVT. POLYTECHNIC COLLGE
R/O 5-993/147A HAGARAGA ROAD
MEHBOOB NAGAR COLONY
KALABURAGI-585104
2. SALEMUNISA BEGUM
W/O MOHAMMED HARRON HUSENA
AGE: 71 YEARS,
OCC: HOUSEWIFE
R/O 5-993/147A HAGARAGA ROAD
MEHBOOB NAGAR COLONY
KALABURAGI-585104
3. OWEZ AHMED S/O IRSHAD AHMED
AGE: 21 YEARS, OCC: STUDENT
NEAR NASIRIYA MASJID
JAM JAM COLONY
KALABURAGI-585104
MOBILE NO.8310219237
4. IBRAHIM S/O ARIFUDDIN
AGE: 23 YEARS,





OCC: PRIVATE WORK,
R/O 5-993/165, 7TH CROSS
NEAR CITY SCHOOL, NAAZ COLONY
KALABURAGI-585104

5. NOMAN S/O ZAHIRUDDIN SAYED BYARE
AGE: 23 YEARS
OCC: PRIVATE WORK
NEAR M G ROAD, MANSABDAR LAYOUT
KHADIR ASSOCIATE PRAMOUNT APARTMENT
B-BLOCK, 2ND FLOOR
KALABURAGI-585104

...PETITIONERS

(BY SMT. ASHWINI TAKKALKI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
ADDL. SPP, HC OF KARNATAKA
THROUGH ROZA POLICE STATION
KALABURAGI-585101
2. MD. SHAFIUDIN S/O MD SUJAT ALI
PLOT NO.114, NOOR BAGH
BEHIND HAJ COMMITTEE, ROJA (B)
KALABURAGI-585104.

...RESPONDENTS

(BY SRI.GOPAL KRISHNA B. YADAV, HCGP FOR R1;
SRI. MOHAMMED GULAM AHMED KHAN ADV., FOR R2)

THIS CRL.P IS FILED U/SEC. 482 OF CR.P.C (OLD),
U/SEC. 528 OF BNSS PRAYING TO QUASH THE CRIMINAL CASE
ARISEN FROM FIR NO.035/2023 DATED 30.06.2023, IN ROZA
P.S KALABURAGI, IN C.C.NO.409/2024 PENDING BEFORE THE
COURT OF PRL. CJ (J.D) AND JMFC AT KALABURAGI FOR THE
OFFENCE U/S 143, 147, 323, 324, 504, 506 R/W 149 OF IPC
1860.

THIS PETITION, COMING ON FOR ADMISSION, 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 petitioners/accused Nos.1 to 5 in C.C No.409/2024, arising out of Crime No.35/2023, registered by the Roza Police Station, Kalaburagi City, for the offences punishable under sections 143, 147, 323, 504, 506 r/w Section 149 of IPC, presently pending on the file of Prl. Civil Judge and JMFC, Kalaburagi.

2. The factual matrix of the case is that, respondent No.2/complainant lodged a complaint against these petitioners on 30.06.2023 alleging his daughter Syeda Zeenath Fatima was given in marriage with petitioner No.1/accused No.1 in the year 2011. After the marriage, petitioners started to harass her both physically and mentally demanding dowry, even after she given birth to a male child. Subsequently, on 24.06.2023 at about 09.30 p.m., respondent No.2 along with his wife and two sons went to the house of petitioners' house and enquired about the harassment meted out by them to his daughter. As such, they



abused him, picked up a quarrel and assaulted him. Based on the said complaint, FIR came to be registered in Crime No.35/2023 as stated *supra*. After investigation, the respondent No.1-Police laid charge sheet against the petitioners for the aforementioned offences. Hence, the petitioners approached this Court to quash the proceedings

3. Learned counsel for the petitioners reiterated the contentions in the petition and prays to allow the petition by quashing the proceedings against the petitioners.

4. *Per contra*, the learned HCGP opposed the prayer and prays to dismiss the petition.

5. As could be gathered from records, in respect of this incident, two complaints are lodged i.e., one by petitioner No.1 in Crime No.33/2023 dated 28.06.2023 and another by daughter of respondent No.2, which is registered in crime No.109/2023. As such, it is clear that, the parties have filed case and counter case in respect to the same incident. In such circumstances, it could be gathered that both the parties have admitted the incident. As such, as held by the Hon'ble Apex Court in the case of ***Punit Beriwal vs State of NCT of Delhi***



and Others, reported in **2025 SCC Online SC 983** held that, in a case of case and counter case, registered against both the parties, the proceedings cannot be quashed and the same has to be tried in the Court to find out the truth or the veracity of the complaints. At this stage, this Court cannot decide who are the aggressors and all the cases has to be dealt in a trial as per the guidelines in respect of trial for case and counter cases involved.

6. In such circumstances, the petition lacks merits and the same is ***dismissed***.

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

THM
List No.: 1 Sl No.: 0
CT-BH