



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201599 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. BALAPPA @ AMATEPPA S/O. SIDDAPPA PUJARI
AGE 45 YEARS, OCC. AGRICULTURE
2. PARAMANNA S/O. SIDDAPPA PUJARI
AGE 42 YEARS, OCC. AGRICULTURE
3. NAGAPPA S/O. SIDDAPPA PUJARI
AGE 38 YEARS, OCC. AGRICULTURE

ALL R/O BACHIMATTI VILLAGE
TQ. HUNASAGI, DIST. YADGIR - 585 215.

...PETITIONERS

(BY SRI SANJAY A PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SHORAPUR POLICE STATION,
SHORAPUR SUB-DIVISION,
DIST.YADGIR - 585210.
R/BY ADDL. SPP HIGH COURT OF KARNATAKA
KALABURAGI BENCH - 585107.
2. SMT. SHANTA W/O. PARAMANNA DODDAMANI
AGE 32 YEARS, OCC. HOUSEMAKER
R/O BONAL VILLAGE, TQ. SHORAPUR

Digitally signed
by SHIVALEELA
DATTATRAYA
UDAGI

Location: HIGH
COURT OF
KARNATAKA



DIST.YADGIR – 585210.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI PUNITH MARKAL, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482 OF CR.P.C.(OLD), U/S 528 OF BNSS (NEW), PRAYING TO QUASH ENTIRE PROCEEDINGS AGAINST THE PETITIONERS/ACCUSED NO.1 TO 3 RESPECTIVELY IN SPL. C NO.96/2025 PENDING ON THE FILE OF DISTRICT AND SESSIONS JUDGE AT YADGIR, DISTRICT YADGIR ARISING OUT OF CRIME NO.64/2025 REGISTERED BY SHORAPUR POLICE STATION DISTRICT YADGIR FOR THE OFFENCES PUNISHABLE U/SEC. 115(2), 352, 351(2), 74, R/W SEC.3(5) OF BNS-2023 AND SEC.3(1)(r)(s)(w), 3(2) (v-a) OF SC/ST PA ACT, 1989 ON ITS FILE.

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 seeking to quash the proceedings against the petitioners/accused Nos.1 to 3 in Spl.C.No.96/2025, arising out of Crime No.64/2025 registered by Shorapur Police Station, for the offences punishable under Sections 115(2), 352, 351(2), 74 r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 [for, 'the



BNS, 2023] and Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for brevity, 'the SC/ST (PO/A) Act'], pending on the file of District and Sessions Judge at Yadgir.

2. The abridged facts of the case are that, respondent No.2 filed private complaint under Section 223 of BNSS, 2023, before the District and Sessions Judge, Yadgir against six accused persons on 11.02.2025 by arraying these petitioners as accused Nos.2, 3 and 4 in P.C.No.3/2025. It is alleged in the complaint that the land bearing Sy.No.120/A measuring 16 acres 12 guntas was sold to Bheemappa i.e., father-in-law of respondent No.2 by its original owner Ningappa. Ever since, respondent No.2 and her family members were in possession. However, there was a civil dispute between the wife of Ningappa and respondent No.2 in Regular First Appeal before this Court.



3. Things stood thus, on 23.12.2024, when respondent No.2 and her family members were working in their agricultural land as stated *supra*, at about 4:30 p.m. the accused persons including these petitioners, by forming an unlawful assembly, trespassed into the land and questioned respondent No.2 as to why she was engaged in agricultural work in the said land, since the same belongs to them. During the altercation, accused No.1 assaulted respondent No.2 and accused Nos.3 and 4 abused her by mentioning her caste and also they made an attempt to outrage her modesty. As such, she approached the Police to lodge the complaint against them. However, the same was not received and registered by the Police. Subsequently, she lodged the private complaint in P.C.No.3/2025 as stated *supra*. The learned Magistrate, after registering the private complaint, referred the matter to the jurisdictional Police i.e., respondent No.1-Police for investigation under Section 156(3) of Cr.P.C./175 (1) of BNSS, 2023. Accordingly,



respondent No.1-Police registered the case in Crime No.64/2025 for the offences punishable under Sections 189(2), 191(2), 191(3), 329(3), 352, 351(2), 74, 115(2) and 118(1) r/w Section 190 of BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(1)(g) and 3(2)(v-a) of SC/ST (POA) Act and investigated the matter and laid charge sheet against these petitioners as accused Nos.1 to 3 for the offences punishable under Sections 115(2), 352, 351(2), 74 read with Section 3(5) of BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v-a) of SC/ST (POA) Act, by dropping the other accused. Accordingly, the learned Special Judge took cognizance of the offences. Aggrieved by the same, this petition is filed to quash the proceedings.

4. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned High Court Government Pleader for respondent No.1 - State.



5. Apart from urging several contentions, learned counsel for the petitioners contended that, there is an inordinate delay of 49 days in lodging the complaint. Further, it is specifically stated in the complaint that there is a civil dispute pending between the petitioners and respondent No.2 before this Court in Regular First Appeal. Apart from that, as per the private complaint, these accused persons assaulted and outraged the modesty of respondent No.2. However, respondent No.1 – Police have laid charge sheet only against these three petitioners. In such circumstances, it is clear that, out of vengeance respondent No.2 filed a false complaint against these petitioners by misusing the provisions of SC/ST (POA) Act. Accordingly, he prays to allow the petition.

6. *Per contra*, learned counsel for respondent No.2 vehemently contended that, though respondent No.2 has approached the jurisdictional Police immediately after the incident, the said Police have failed to register the case by receiving her complaint, as such, she waited for a period



of 49 days and later, she filed the private complaint. She also contended that the statement of witnesses categorically establishes the commission of the offences. The respondent No.1 – Police also filed a Call Detail Register to substantiate that present in the alleged spot on the date of incident. Hence, after detailed investigation, respondent No.1 – Police have laid the charge sheet against these petitioners. In such circumstances, he prays to dismiss the petition.

7. Learned High Court Government Pleader appearing for respondent No.1-State opposed the petition stating that there are specific allegations against these petitioners in the private complaint and also in the charge sheet materials. Accordingly, he prays to dismiss the petition.

8. 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.

9. As could be gathered from charge sheet materials, according to respondent No.2, the alleged incident was caused on 23.12.2024 when she was engaged in the agricultural activities in her field. At that time, six accused persons trespassed into the field and questioned her and thereafter assaulted her and outraged her modesty by mentioning her caste. Admittedly, the private complaint was filed after a lapse of 49 days i.e., on 11.02.2025. Though it is stated in the private complaint that, after the incident she approached the Police and lodged the complaint, however, no complaint or documents or statements were placed by her to substantiate that she approached the Police after the incident except stating the same in her affidavit. Further, on perusal of the complaint averments, it is clearly stated in para-7 of the complaint that there is a civil dispute



between the wife of late Ningappa and respondent No.2 pending before this Court in Regular First Appeal.

10. Further, on perusal of the statement of respondent No.2 and other witnesses, omnibus allegations are made against these petitioners that they along with the other accused trespassed into the property and made attempt to assault and outrage her modesty. No wound certificate is placed by her to substantiate that due to the assault, she sustained injuries. Further, though it is stated in the complaint that accused Nos.1 to 6 were present at the scene of occurrence, the other accused are not charge sheeted by respondent No.1 – Police. Nevertheless, the private complaint is not supported by the list of witnesses and detailed affidavit. The Hon'ble Apex Court in the case of ***Priyanka Srivastava and Another vs. State of U.P. and Others*** reported in ***2015 (5) SCC 287*** held that the private complaint shall contain detailed affidavit of the complainant and also mentioning the nature of the



incident and the documents to that effect and also the list of witnesses and documents.

11. In the instant case, except verifying affidavit, no such detailed affidavit is forthcoming along with the private complaint and admittedly no such list of witnesses is filed by respondent No.2 while filing the private complaint. Moreover, the incident said to have been caused in the disputed field of accused No.1 and respondent No.2, in order to attract the provisions of Section 3(1) of the SC/ST (PA) Act, the incident must be caused in the public place and in any place within the public view.

12. The Hon'ble Apex Court in the case of **Hitesh Verma v. State of Uttarakhand and Another** reported in **(2020) 10 SCC 710**, held in paragraph Nos.13 and 14 as under:

"13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a



member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the Society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that respondent No.2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent No.2 is member of Scheduled Caste.

14. Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as Swaran Singh & Ors. v. State through Standing Counsel & Ors. The Court had drawn distinction between the expression "public place" and "in any place within public view". It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view. The Court held as under:



"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a "chamar") when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies."

13. On overall perusal of the averments in the complaint and the statement of witnesses, it could be gathered that, in order to give a criminal colour to the civil



dispute arising between the parties, a false complaint has been foisted against the petitioners. On over all perusal of the materials on record, I am of the considered view that continuation of criminal proceedings against the petitioners is clear abuse of process of Court since the same is manifestly frivolous, vexatious and instituted with the ulterior motive for wrecking vengeance. The entire allegation in the FIR and charge sheet accepted on its face value, even then, the same do not *prima facie* constitute an offences charge sheeted against the petitioners/accused Nos.1 to 3. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.1 to 3 in Spl.C.No.96/2025, arising out of Crime No.64/2025 registered by Shorapur Police Station, for the offences punishable under Sections 115(2), 352, 351(2), 74 r/w Section 3(5) of Bharatiya



Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending on the file of District and Sessions Judge at Yadgir, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 1 Sl No.: 23
CT-RJ