



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201750 OF 2025

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

BETWEEN:

1. LAKKANNA S/O SHARANAPPA TALWAR
AGE: 75 YEARS, OCC: AGRICULTURE
R/O KALHANGARGA, TQ: JEWARGI
DIST: KALABURAGI-585310
2. MALLAPPA @ MALLIKARJUN
S/O LAKKANNA TALWAR
AGE: 38 YEARS, OCC: AGRICULTURE
R/O KALHANGARGA, TQ: JEWARGI
DIST: KALABURAGI-585310
3. MAREMMA W/O LAKKANNA TALWAR
AGE: 65 YEARS, OCC: HOUSEHOLD
R/O KALHANGARGA, TQ: JEWARGI
DIST: KALABURAGI-585310
4. SUJATA W/O MOUNESH
D/O LAKKANNA TALWAR
AGE: 25 YEARS
OCC: HOUSEHOLD AND AGRICULTURE
R/O KALHANGARGA, TQ: JEWARGI
DIST: KALABURAGI-585310
NOW RESIDING AT ANDOLA VILLAGE
TQ: JEWARGI, DIST: KALABURAGI



...PETITIONERS

(BY SRI. SHIVASHARANA REDDY, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
THROUGH NELOGI POLICE STATION
TQ: JEWARGI, DIST: KALABURAGI-585310
R/BY ADDL SPP HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585102
2. MADIWALAPPA S/O HULEPPA TALWAR
AGE: 36 YEARS, OCC: AGRICULTURE
R/O KALHANGARGA
TQ: JEWARGI
DIST: KALABURAGI-585310

...RESPONDENTS

(BY SRI.GOPAL KRISHNA B. YADAV, HCGP FOR R1;
R2 SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE ENTIRE PROCEEDINGS PENDING ON THE FILE OF CIVIL JUDGE AND JMFC JEWARGI IN CC NO.960/2025 ARISING OUT OF CRIME NO.53/2025 REGISTERED BY RESPONDENT NO.1 NELOGI POLICE STATION FOR THE OFFENCES PUNISHABLE U/SECS. 126(2), 115(2), 352, 351(1) R/W 3(5) OF BNS-2023 AGAINST THE PETITIONERS.

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 4 in C.C No.960/2025, arising out of Crime No.53/2025, registered by Nelogi Police Station, Kalaburagi, for the offences punishable under Sections 115(2), 126(2), 352 and 351(1) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS 2023') pending on the file of Civil Judge and JMFC, Jewargi.

2. The abridged facts of the case are, the complainant/respondent No.2 lodged a complaint before the respondent No.1-Police alleging that, he and his brother are owning landed properties bearing Sy.No.1/18 and Sy.No.1/19 each measuring 13.6 acres 16 guntas. There was a dispute in respect of construction of a cow shed between the family of respondent No.2 and petitioners. On 22.04.2025 at about 04.30 p.m., petitioners by illegally confining respondent No.2 abused in



filthy language and assaulted him with hand and stone. However, his brothers, Nimbanna and Subbanna, pacified the quarrel. Thereafter, he visited Government hospital Nelogi and after taking the first aid, lodged the complaint on 25.04.2025. On the strength of the said complaint, FIR came to be registered in Crime No.53/2025 against the petitioners for the aforementioned offences. Subsequently, respondent No.1-Police laid charge sheet against these petitioners/accused Nos.1 to 4 for the aforementioned offences. Accordingly, learned Magistrate took cognizance of the offences. Aggrieved by the same, petitioners/accused Nos.1 to 4 preferred this petition.

3. Heard learned counsel for the petitioners and learned High Court Government Pleader for the 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 petitioners contended that, there is a civil dispute pending between the family of petitioners and



respondent No.2 in respect of a landed properties. As such, a false complaint has been lodged against these petitioners. According to him, prior to lodging of this complaint, petitioner No.1 lodged a complaint against the respondent No.2 and his family members on 23.04.2025 and the same was registered in Crime No.52/ 2025 for the offences punishable under Section 115(2), 118(1), 126(2), 3(5), 351(2), 352 and 74 of BNS 2023. As a counter blast, this false complaint has been registered against the petitioners. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader for respondent No.1-State opposed the petition on the ground that in both the cases the respondent No.1-Police have laid charge sheet against the respective accused. According to him, the incident was admitted by both the petitioner No.1 and respondent No.2 herein. In such circumstances, this court cannot decide who are the aggressors at his stage. Accordingly, he prays to dismiss the petition.



6. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents placed before this Court.

7. As could be gathered from records, it is not in dispute that petitioner No.1-Lakkanna lodged a complaint against respondent No.2 on 23.04.2025 which was registered in Crime No.52/2025 as stated supra in respect of the same incident. No doubt, there is a civil dispute pending between the family of petitioner No.1 and respondent No.2. However, as rightly contented by the learned HCGP, the incident in question is not disputed by the petitioners and respondent No.2. Moreover, both the parties have taken first aid treatment at Government hospital and to that effect the wound certificates are produced before this Court. In such circumstances, this Court cannot decide who are the aggressors at this stage and at whose end the incident was caused.



8. 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. In such circumstances, I find no good grounds to grant the prayer made by the petitioners. Moreover, respondent No.1-Police investigated case and laid charge sheet in both the cases.

9. In such circumstances, without expressing any opinion on the merits of the case, suffice to hold that the proceedings cannot be quashed at this stage. Accordingly, the petition lacks merits and the same is ***dismissed***.

Sd/-
(RAJESH RAI K)
JUDGE