



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 201905 OF 2025

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

C/W

CRIMINAL PETITION NO. 200374 OF 2026

IN CRL.P No. 201905/2025

BETWEEN:

GIRISH
S/O CHANDRASHEKARAPPA KHENED
AGED ABOUT 43 YEARS
OCC: PRIVATE WORK, R/AT WARD NO.7
OLD GURUGUNTA ROAD, LINGASUGUR
TQ. LINGASUGUR, DIST: RAICHUR-584122

...PETITIONER

(BY SRI. BASAVARAJ C. JAKA., ADVOCATE-AB)

AND:

1. THE STATE OF KARNATAKA
THROUGH LINGASUGUR POLICE STATION
DIST: RAICHUR-584122.
NEW REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH 585107.
2. SRI. SRIKANTH
S/O SHARANABASAPPA KHENED





NC: 2026:KHC-K:3537
CRL.P No. 201905 of 2025
C/W CRL.P No. 200374 of 2026

AGE: 58 YEARS, OCC: BUSINESS
R/AT ANKUSHDODDI VILLAGE
NOW AT PATEL ROAD, RAICHUR
DIST: RAICHUR-584103.

...RESPONDENTS

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

THIS CRL.P IS FILED U/SEC. 528 OF BNSS (NEW) U/SEC 482 OF CR.P.C (OLD) PRAYING TO ALLOW THIS PETITION AND QUASH THE PROCEEDINGS IN C.C.NO.1523/2025, PENDING ON THE FILE OF PRL. CIVIL JUDGE AND JMFC AT LINGASUGUR, DISTRICT RAICHUR, ARISING OUT OF CASE REGISTERED IN CRIME NO.114/2025, BY LINGASUGUR POLICE STATION FOR THE OFFENCES PUNISHABLE U/SEC. 126(2), 115(2), 352, 351(2) OF BNS, AGAINST THE PETITIONER, TO SECURE THE ENDS OF JUSTICE AND TO PREVENT ABUSE OF PROCESS OF THE COURT AND ETC.

IN CRL.P NO. 200374/2026

BETWEEN:

1. SRIKANT
S/O. SHARANABASAPPA
AGE 58 YEARS, OCC: BUSINESS
R/O H.NO.1-12-18/12, DADDY COLONY
NEAR KIDGE SCHOOL, RAICHUR
KARNATAKA. PIN NO-584101.
2. AMARESH S/O SHARANABASAPPA ALIYAS
SHARANAPPA KHENED
AGE: 48 YEARS, OCC: BUSINESS
R/O H.NO.1-12-18/12, DADDY COLONY
NEAR KIDGE SCHOOL, RAICHUR



NC: 2026:KHC-K:3537
CRL.P No. 201905 of 2025
C/W CRL.P No. 200374 of 2026

KARNATAKA. PIN. NO-584101.

...PETITIONERS

(BY SRI. VANTI MAHAMMAD SHARIF LATIF., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PSI
LINGASUGUR POLICE STATION
RPTD. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALBURGI BENCH, KALBURGI-585107
2. SRI. CHANDRASHEKHARAPPA
S/O GUNDAPPA KHENED
AGE: 76 YEARS, OCC: FARMER
R/O LINGASUGUR, GURGUNTA ROAD
WATE NO.7 DIST: RAICHUR
KARNATAKA PIN NO-584101

...RESPONDENTS

(BY SRI. JAMADAR SHAHABUDDIN, HCGP FOR R1)

THIS CRL.P IS FILED U/S 528 OF BNSS (NEW),
U/S.482 OF CR.P.C.(OLD), PRAYING TO QUASH THE
PROCEEDINGS AGAINST THE PETITIONER/ACCUSED NOS.1
AND 2 REGISTERED IN C.C NO.1492/2025 PENDING ON
THE FILE OF PRL. CIVIL JUDGE AND JMFC LINGASUGUR
FOR THE OFFENCES PUNISHABLE SECTION 126(2), 324(4),
352, 351(2), 3(5) OF BNS AND ETC.

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



NC: 2026:KHC-K:3537
CRL.P No. 201905 of 2025
C/W CRL.P No. 200374 of 2026

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

In Crl.P.No.201905/2025:

Learned counsel for the petitioner called out, absent.
No representation is made on behalf of the petitioner.
Hence, it could be presumed that the petitioner is not
interested in prosecuting the matter. Hence, the petition is
dismissed for default and non-prosecution.

In Crl.P.No.200374/2026:

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

*"Wherefore, the petitioners most respectfully
prays that the Hon'ble Court be pleased to quash
the proceedings against the petitioners/accused
Nos.1 and 2 registered in C.C.No.1492/2025
pending on the file of Prl. Civil Judge & JMFC,
Lingasugur, for the offences punishable under
Sections 126(2), 324(4), 352, 351(2), 3(5) of BNS,
in the interest of justice.*



Grant such other reliefs as deemed fit in the circumstances of the case and in the interest of justice."

2. I have heard the arguments.

3. On the basis of the complaint filed by Sri.Chandrashekharappa, the respondent-Lingasugur Police have registered a case in Crime No.103/2025 against the petitioners/accused Nos.1 and 2, for the offences punishable under Sections 126(2), 324(4), 352, 351(2), 3(5) of BNS, 2023. After the investigation, the Investigating Officer has submitted the charge-sheet against the present petitioners for the offences punishable under Sections 126(2), 324(4), 352, 351(2), 3(5) of BNS, 2023.

4. The learned counsel for the petitioners would submit that, in order to grab the property of the petitioners, the complainant has filed a false case against the petitioners and concocted the story against the



petitioners. Therefore, continuing of proceedings against the petitioners is nothing but abuse of process of Court. Therefore, the same requires interference by this Court.

5. The case registered by petitioner (in Crl.P.No.201905/2025) is stayed by this Court in Crl.P.No.201905/2025.

6. The alleged incident has taken place on 03.05.2025 at around 12:30 noon, but the present complaint was filed on 08.05.2025 at around 06:15 p.m. There is no proper explanation as to the inordinate delay in lodging the present complaint. The very act of the complainant in lodging the present complaint after lapse of more than 5 days itself creates doubt about the case of the complainant. No incriminating material is forthcoming attributing the offence punishable under Sections 126(2), 324(4), 352, 351(2), 3(5) of BNS, 2023. On all these grounds, prays to allow the petition.



7. To substantiate his arguments, he has relied on the following judgments:

- i) State of Karnataka vs. L.Muniswamy and another, [AIR (1977) SC 1489];*
- ii) Mohmood Ali vs. State of UP [2023 SCC OnLine SC 950];*
- iii) State of Haryana vs. Bhajan Lal [1992 Supp (1) SCC 335].*

8. I have examined materials placed before this Court.

9. On the basis of the complaint filed by the complainant, the respondent-Lingasugur Police have registered a case in Crime No.103/2025 against the petitioners for the offences punishable under Sections 126(2), 324(4), 352, 351(2), 3(5) of BNS, 2023. The Investigating Officer has visited to the spot, conducted panchanama and taken photos and recorded the statement of witnesses and also obtained voluntary statement of the accused. After completed investigation, the Investigating Officer has submitted charge-sheet



against the accused for the offences punishable under Sections 126(2), 324(4), 352, 351(2), 3(5) of BNS, 2023.

10. The decisions relied on by the learned counsel for the petitioners are not applicable to the case on hand. The delay of 5 days in filing the complaint is not a ground to quash the proceedings.

11. On perusal of entire materials placed before this Court, at this stage, there are no grounds to quash the proceedings. Hence, I proceed to pass the following:

ORDER

(i) CrI.P.No.201905/2025 is ***dismissed for non-prosecution.***

(ii) CrI.P.No.200374/2026 is ***dismissed.***

**Sd/-
(G BASAVARAJA)
JUDGE**