



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 201917 OF 2025

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

BETWEEN:

PRABHUKANT
S/O HUSANAPPA DHANNA
AGE: 46 YEARS, OCC: TEACHER
R/O BHANKUR, SHAHABAD
NOW RESIDING AT HEERA NAGAR
HIRAPUR, KALABURAGI-585103

...PETITIONER

(BY SRI. SANTOSH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH KALABURAGI CITY
WOMAN POLICE STATION
DIST KALABURAGI-585102
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107

2. RESHMA W/O PRABHUKANT DHANNA
AGE: 30 YEARS, OCC: HOUSEWIFE
R/O HEERA NAGAR, HIRAPUR
KALABURAGI-585102

...RESPONDENTS

(BY SRI.GOPALKRISHNA B. YADAV, HCGP FOR R1;
SRI. K. H. RATHOD, ADV., FOR R2)



THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), PRAYING TO A) QUASH THE ENTIRE PROCEEDINGS IN C.C NO.11733/2025 PENDING ON THE FILE OF I ADDL. CJ(JD) AND JMFC KALABURAGI, ARISING OUT OF CRIME NO.56/2025 OF KALABURAGI CITY WOMAN PS, DISTRICT KALABARUGI, REGISTERED FOR THE OFFENCES PUNISHABLE U/SEC.85, 115(2), 351, 352 OF BNS-2023 AND U/SEC.3 AND 4 OF D.P. ACT, 1961.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioner has filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS, 2023') seeking following relief:

- a) *Quash the entire proceedings in C.C No.11733/2025 pending on the file of I-ADDL. CJ(JD) & JMFC kalaburagi, arising out of Crime No.56/2025 of Kalaburagi City Woman PS, District Kalabarugi, registered for the offences punishable u/sec.85, 115(2), 351, 352 of BNS-2023 and u/sec.3 and 4 of D.P. Act, 1961;*
- b) *Pass any other appropriate order or directions as deemed fit by this Hon'ble Court under the facts and circumstances of the case, in the interest of justice and equity.*



2. On the basis of complaint filed by one Reshma, respondent No.1-Kalaburagi City Women Police have registered a case in Crime No.56/2025 against the petitioner-accused for the offences punishable under Sections 85, 115(2), 351, 352 of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS, 2023') and Sections 3 and 4 of Dowry Prohibition Act, 1961 (for short, 'the D.P.Act'). Hence, the petitioner has filed this petition to quash the proceedings against him.

3. The learned counsel appearing on behalf of the petitioner would submit that the allegation levelled against the petitioner is false and baseless. The petitioner being innocent is falsely implicated in the case by the complainant only to harass and humiliate him. There is a delay in lodging the complaint and the same is not properly explained. Earlier, the petitioner lodged a complaint against the complainant-Reshma and others in Crime No.75/2025 before Ashok Nagar Police Station, Kalaburagi on 02.05.2025 for the offences punishable



under Sections 189(2), 191(2) 191(3), 329(4), 127(2), 115(2), 118(1), 118(2), 352, 351(2), 351(3), 190 of BNS, 2023. The petitioner is a school teacher and is a respected person in the society. The complainant, in order to harass and humiliate the petitioner, has framed the petitioner in the instant case only to disrepute and cause annoyance. It is the complainant who has assaulted the petitioner to which the petitioner was admitted in the hospital and there are documents to prove the same. Hence, the complainant, by misusing the provisions of BNS-2023, has implicated the petitioner only to see that the petitioner faces difficulties in his job. The complainant has made general, vague and odd allegations against the petitioner. The police have charge-sheeted the petitioner. Although, there is no prima facie evidence against the petitioner to connect with the alleged offence except the cyclostyled statements of two witnesses, the initiation of criminal proceedings would be abuse of process of Court and the



same are liable to be quashed. On all these grounds, sought for allowing of the petition.

4. On the basis of the complaint filed by Reshma, the Women Police Station, Kalaburagi City have registered the case in Crime No.56/2025 against the petitioner for the commission of offence under Sections 85, 115(2), 351, 352 of BNS, 2023 and Sections 3 and 4 of D.P.Act, 1961. After registration of the case, the Investigating Officer has conducted the spot panchanama and recorded the statement of witnesses and on thorough investigation, the Investigating Officer has submitted the charge sheet against the accused for the aforesaid offences. In column No.17, it is alleged against the present petitioner as under:

“ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ಕಲಬುರಗಿ ನಗರದ ಮಹಿಳಾ ಪೊಲೀಸರ ತಾಣೆ ಹದ್ದಿಯ ಆ ಪೈಕಿ ಕಲಬುರಗಿ ನಗರದ ಹೀರಾನಗಳ ಹೀರಾಪೂರ ನಿವಾಸಿಯಾದ ಈ ದೋ.ಪತ್ರದ ಕಾಲಂ ನಂ:14 ರಲ್ಲಿ ನಮೂದು ಮಾಡಿದ ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರೊಂದಿಗೆ ಈ ದೋ.ಪತ್ರದ ಕಾಲಂ ನಂ:12 ರಲ್ಲಿ ನಮೂದು ಮಾಡಿದ ಆರೋಪಿ ನಂ:01 ನೆದ್ದವನೊಂದಿಗೆ ದಿನಾಂಕ:23.05.2025 ರಂದು ಮದುವೆಯಾಗಿರುತ್ತದೆ, ಮದುವೆ ಸಮಯದಲ್ಲಿ ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರ ತವರು ಮನೆಯವರು ವರೋಪಚಾರವಾಗಿ 5 ತೋಲೆ ಬಂಗಾರ ಮತ್ತು ಮನೆಬಳಕೆಯ ವಸ್ತುಗಳು



ಹಾಗೂ ಲಗ್ನದ ಖರ್ಚು ವೆಚ್ಚವನ್ನು ರೂ.2 ಲಕ್ಷ ರೂ.ಗಳನ್ನು ಖರ್ಚು ಮಾಡಿ ಮದುವೆ ಮಾಡಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ಮದುವೆಯ ನಂತರ ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರಿಗೆ ಆರೋಪಿತನು ದಿನನಿತ್ಯ ಕುಡಿದು ಬಂದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈಯುವುದು ಮತ್ತು ತವರು ಮನೆಯಿಂದ ಹಣ ತೆಗೆದುಕೊಂಡು ಬಾ ಎಂದು ದಿನಾಲೂ ಕಿರುಕುಳ ಕೊಡುತ್ತಿದ್ದರು. ಈ ವಿಷಯ ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರು ಸಾಕ್ಷಿ ನಂ:04 & 05 ನೆದ್ದವರಿಗೆ ಹೇಳಿದಾಗ ಅವರು ಬಂದು ತಿಳಿಹೇಳಿದರೂ ಸಹ ಆರೋಪಿತನು ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರಿಗೆ ಕಿರುಕುಳ ಕೊಡುವುದು ಮುಂದುವರಿಸಿರುತ್ತಾನೆ. ಆರೋಪಿತನು ಮುಂಚೆ ಲಗ್ನವಾಗಿ ವಿಚ್ಛೇದನ ನೀಡಿದ್ದು, ಅವನಿಗೆ 10 ವರ್ಷದ ಒಬ್ಬ ಗಂಡು ಮಗುವಿದ್ದು, ಈ ವಿಷಯವನ್ನು ಗೌಪ್ಯವಾಗಿಟ್ಟು ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರಿಗೆ ಹೇಳದೇ ಲಗ್ನ ಮಾಡಿಕೊಂಡಿರುತ್ತಾನೆ.

ದಿನಾಂಕ:23.04.2025 ರಂದು ರಾತ್ರಿ 9 ಗಂಟೆಗೆ ಹೀರಾಪುರದ ಹೀರಾನಗರದಲ್ಲಿ ಈ ದೋಷಪತ್ರದ -ಕಾಲಂ ನಂ:14 ರಲ್ಲಿ ನಮೂದು ಮಾಡಿದ ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರು ಗಂಡನ ಮನೆಯಲ್ಲಿದ್ದಾಗ ಆರೋಪಿತನು ನಿನ್ನ ತವರು ಮನೆಯಿಂದ ಹಣ, ಬಂಗಾರ ತಂದು ಕೊಡು ಅಂತಾ ಕೇಳಿದಾಗ ನಿನ್ನ ತವರು ಮನೆಯವರು ಬಡವರಿದ್ದಾರೆ ಎಲ್ಲಿಂದ ತರುವುದು ಅಂತಾ ಸಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರು ಆರೋಪಿತನಿಗೆ ಅಂದಾಗ ಏ ರಂಡಿ ನನಗೆ ಅವೆಲ್ಲಾ ಹೇಳಬೇಡ ನನಗೆ ಮೊದಲು ಹಣ ಮತ್ತು ಬಂಗಾರ ತಂದು ಕೊಡು ಇಲ್ಲದಿದ್ದರೆ ನಿನಗೆ ಬಿಡುತ್ತೇನೆ ಅಂತಾ ಹೆದರಿಕೆ ಹಾಕಿ ಶಾಕ್ಷಿ ನಂ:01 ನೆದ್ದವರಿಗೆ ತನ್ನ ಕೈಯಿಂದ ಹೊಡೆಬಡೆ ಮಾಡಿರುತ್ತಾನೆ.

ಕಾರಣ ತನಿಖೆ ಮತ್ತು ಸಾಕ್ಷ್ಯಾಧಾರಗಳಿಂದ ಆರೋಪಿತರ ಅಪರಾಧ ಸಾಬೀತಾಗಿದ್ದರಿಂದ ಸದರಿ ಆರೋಪಿತರ ವಿರುದ್ಧ ಕಲಂ: 85, 115(2), 351,352 ಬಿಎನ್‌ಎಸ್ ಹಾಗೂ 3&4 ಡಿಪಿ ಎಕ್ಸ್ ಪ್ರಕಾರ ಈ ದೋಷಾರೋಪಣಾ ಪತ್ರ ಸಲ್ಲಿಸಲಾಗಿದೆ."

5. The alleged incident took place on 23.04.2025 at 09.00 p.m. in Heera Nagar, Hirapur, Kalaburagi. On perusal of FIR pertaining to Crime No.75/2025 filed by the present petitioner Prabhukant against the accused Nos.1



to 9, which accused No.5 Reshma is one of the accused. This crime number is pertaining to the crime took place on 25.04.2024. After lapse of 7 days, the complainant has lodged a complaint to the police on 02.05.2025 against the accused for the commission of offences under Sections 189(2), 191(2), 191(3), 329(4), 127(2), 115(2), 118(1), 118(2), 352, 351(2), 351(3), 190 of BNS-2023. The present petition is pertaining to crime No.56/2025 which had taken place on 23.04.2025. Hence, the incident is not at all relevant to Crime No.75/2025 of Ashok Nagar Police Station, Kalaburagi. Therefore, on this ground the proceedings cannot be quashed. On perusal of the materials placed before this Court, I do not find any ground to quash the proceedings as sought for. Accordingly, I proceed to pass the following:

ORDER

The petition is ***dismissed***.

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