



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 202155 OF 2025
(482(Cr.PC)/528(BNSS))**

BETWEEN:

SRI NAGARAJ S/O IRAPPA
AGED ABOUT 29 YEARS
OCC: POLICE CONSTABLE
R/O AMARAPUR VILLAGE
TQ: SINDHANUR, DIST: RAICHUR
NOW AT YERAGERA VILLAGE
TQ: AND DIST: RAICHUR-584108

...PETITIONER

(BY SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE SHO,
SINDHANUR RURAL POLICE STATION
TQ: SINDHANUR DIST: RAICHUR
REPT. BY THE ADDL. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585102

2. SMT. LAXMI W/O LATE HANUMANTH KOTYALAR
AGED ABOUT 36 YEARS
OCCU: HOUSEHOLD
R/O AMARAPUR VILLAGE
TQ: SINDHANUR, DIST: RAICHUR-584128

...RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1;
SRI MAHANTESH PATIL, ADVOCATE FOR R2)





THIS CRIMINAL PETITION IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND FURTHER QUASH THE FIR AND COMPLAINT PRECEDED BY AN ORDER OF MAGISTRATE DATED 13.11.2025 IN CRIME NO.301/2025 PENDING ON THE FILE OF II ADDL. CIVIL JUDGE AND JMFC, SINDHANUR, REGISTERED BY THE RESPONDENT NO.1-SINDHANUR RURAL POLICE STATION, BASED ON THE COMPLAINT FILED BY THE RESPONDENT NO.2, FOR THE COMMISSION OF ALLEGED OFFENCES PUNISHABLE U/SECS. 352 OF BNS.

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 Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the FIR against the petitioner/accused in Crime No.301/2025 dated 13.11.2025, registered by Sindhanoor Rural Police Station, for the offence punishable under Section 352 of Bharatiya Nyaya Sanhita, 2023, (for brevity "BNS"), pending on the file of II-Additional Civil Judge and JMFC, Sindhanur.

2. Learned counsel for the petitioner vehemently contended that the petitioner being the Police Constable,



for extraneous reasons, a false complaint has been lodged against him by respondent No.2. Thereafter, the first information was received on 12.11.2025 and NCR No.44/2025 for the offence punishable under Section 352 of BNS, was registered and the informant was referred to jurisdictional Magistrate, as the alleged offence is non-cognizable. Accordingly, the informant approached the learned Magistrate, who, after perusing the materials, permitted respondent No.1 to investigate the matter vide order dated 13.11.2025. The order of the learned Magistrate under Section 174 of BNSS, 2023, reads as under:

"Acting Under Section-174 of Bharatiya Nyaya Sanhita, 2023, the concerned police is permitted to investigate the matter and submit the final report in respect of the said alleged offence under Section 352 of Bharatiya Nyaya Sanhita, 2023

Office is directed to issue intimation accordingly."



3. It is the contention of the learned counsel for the petitioner that the order passed by the learned Magistrate under Section 174 of BNSS, 2023, is not in accordance with the guidelines laid down by the Co-ordinate Bench of this Court in the case of **Vaggeppa Gurulinga Jangaligi vs. The State Of Karnataka** reported in **ILR 2020 KAR 630**.

4. Learned counsel for respondent No.2 and learned High Court Government Pleader also not denied the proposition of law laid down in **Vaggeppa's** case.

5. The direction issued by Co-ordinate Bench of this Court in **Vaggeppa's** case (*supra*) at clause-5 reads as under:

"v) In case the Magistrate passes the orders permitting the investigation, he/she shall specify the rank and designation of the Police Officer who has to investigate the case, who shall be other than informant or the complainant."

6. In such circumstance, the order passed by the learned Magistrate under Section 174 of BNSS, 2023,



insofar as not mentioning the designation of the Police officer is concerned, the same is not in accordance with ***Vaggeppa's*** case *supra*. As such, the said order is liable to be quashed. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The order dated 13.11.2025 passed by the learned Magistrate under Section 174 of BNSS, 2023, is hereby quashed.
- iii. Consequently, registration of FIR in Crime No.301/2025 is quashed.
- iv. The learned Magistrate is directed to pass a fresh order under Section 174 of BNSS, 2023 by strictly complying with the guidelines issued in ***Vaggeppa's*** case (*supra*) including clause-5, within two weeks



NC: 2026:KHC-K:1772
CRL.P No. 202155 of 2025

from the date of receipt of certified
copy of this order.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 1 Sl No.: 25
CT-BH