

K Manjunatha vs the State of Karnataka

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Court : Karnataka

Decided On : Aug-23-2025

Judge : S.Vishwajith Shetty

Appeal No. : CRL.P/103297/2025

Appellant : K Manjunatha

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF AUGUST, 2025 BEFORE THE HON'BLE MR JUSTICE S.VISHWAJITH SHETTY CRIMINAL PETITION NO. 103297 OF 2025 (482(CR.PC)/528(BNSS)) BETWEEN: K. MANJUNATHA, AGE. 48 YEARS, OCC. POLICE OFFICER, H.C.136, KUDLIGI POLICE STATION, KUDLIGI VIJAYANAGARA, KARNATAKA. PETITIONER (BY MS. BUSHRA S. WAREMANI, ADVOCATE FOR SRI. ANOOP G. DESHPANDE, ADVOCATE) AND:

1. THE STATE OF KARNATAKA, REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, THROUGH PSI, KUDLIGI POLICE STATION. Digitally signed

2. RAMALINGAPPA by RAKESH S RAKESH HARIHAR S/O PUNDALIKAPPA DUPADAL, S Location: HIGH COURT OF HARIHAR KARNATAKA AGE. 41 YEARS, OCC. DRIVER, DHARWAD BENCH R/O. KARIKATTE VILLAGE, TQ. SAVADATTI, DIST. BELAGAVI-519 926. RESPONDENTS (BY SMT. GIRIJA S. HIEMATH, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (UNDER SECTION 528 OF BNSS, 2023), PRAYING TO QUASH THE COMPLAINT AND FIR ON THE FILES OF KUDLIGI PS CRIME NO.135/2025 PENDING BEFORE CIVIL JUDGE (SN. DN) AND JMFC COURT, KUDLIGI, VIJAYANAGARA DISTRICT FOR THE OFFENCE BNS, IN SO FAR AS PETITIONER IS CONCERNED, IN THE INTEREST OF JUSTICE AND EQUITY. -2-

THIS PETITION, COMING ON FOR ADMISSION THIS DAY, ORDER

IS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR JUSTICE S.VISHWAJITH SHETTY) Petitioner is before this Court with a prayer to quash the entire proceedings in Crime No.135/2025 registered by Kudligi Police Station, Vijayanagara District for offences BNS, 2023.

2. Heard the learned counsel for the petitioner and learned HCGP for respondent No.1.

3. FIR in Crime No.135 of 2025 was registered by

Kudligi Police Station, Vijayanagara District for the aforesaid offences against petitioner based on the first information dated 07.08.2025 received from Ramalingappa, who is the bus driver, who had suffered injuries in the incident in

question. Allegation in the first information is that since the bus which was driven by the victim had accidentally touched the handle of the motorbike of petitioner, the petitioner, -3- who is a Police Constable intercepted the bus which was driven by the victim and thereafter, abused and assaulted him. The entire incident has been allegedly recorded by the conductor of the bus in his mobile phone.

4. Petitioner herein has filed a separate complaint

against the driver of the bus and another in the Police Station in which he is working as a Police Constable and based on the first information of the petitioner, FIR in Crime No.170 of 2025 has been registered against the accused in the said case for offences punishable under Sections 281 and 125(a) of BNS, 2023 and Section 187 of the Indian Motor Vehicles Act. Since the incident in question has been recorded in the mobile phone of the conductor of the bus which was driven by the victim, it cannot be said that there is absolutely no material to register a FIR against the petitioner. FIR has been registered for non-cognizable offence and therefore, the Police have got a right to investigate into the case as held by the Hon'ble Supreme -4- Court in the case of M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra¹.

5. Under the circumstances, I do not find any good

reason to entertain this petition. Accordingly, petition is dismissed. Sd/-
(S.VISHWAJITH SHETTY) JUDGE RSH CT:BCK LIST NO.: 1 SL NO.: 38 2021
SCC OnLine SC 315

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