

Nagaraj vs the State of Karnataka

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Court : Karnataka Kalaburagi

Decided On : Dec-03-2025

Judge : Sachin Shankar Magadum

Appeal No. : CRL.P/201854/2025

Appellant : Nagaraj

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA KALABURAGI BENCH DATED THIS THE 3RD DAY OF DECEMBER, 2025 BEFORE THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM CRIMINAL PETITION NO.201854 OF 2025 (482(Cr.PC)/528(BNSS)) C/W CRIMINAL PETITION NO. 201507 OF 2025 (482(Cr.PC)/528(BNSS)) IN CRL.P.NO.201854/2025: BETWEEN:

1. NAGARAJ S/O SHIVASHARNAPPA DANDAPGOL, AGE: 38 YEARS, OCC:PVT.WORK, R/O RAJAPUR VILLAGE, TQ: AND DIST:KALABURAGI-585102. Digitally signed by AL BHAGYA Location: HIGH

2. SIDDARAM S/O SHIVASHARNAPPA DANDAPGOL, COURT OF AGE: 41 YEARS, OCC: ADVOCATE, KARNATAKA R/O RAJAPUR VILLAGE, TQ: AND DIST: KALABURAGI-585102.

3. VEERESH S/O SIDDANNA DOTTI, AGE: 32 YEARS, OCC: DRIVER, R/O SARVODAYA COLONY, KALABURAGI-585102. PETITIONERS (BY SRI SANJAY KULKARNI, ADVOCATE) -2- AND:

1. THE STATE OF KARNATAKA, THROUGH THE PSI, UNIVERSITY P.S., KALABURAGI, REP. BY ADDL. SPP, HIGH COURT OF KARNATAKA, KALBURAGI, KALBURAGI-585101.

2. SHIVARAJ S/O CHITRASHEKAR PATIL,

AGE: 44 YEARS, OCC: ADVOCATE, R/O RAJAPUR VILLAGE, TQ: AND DIST: KALABURAGI-585102. RESPONDENTS (BY SRI GOPALKRISHNA B. YADAV, HCGP FOR R1; BY SRI V.K. PATIL, ADVOCATE FOR R2) THIS CRL.P. IS FILED U/S. 528 OF BNSS, U/SEC 482 OF CR.P.C. PRAYING TO QUASH THE FIR AND COMPLAINT DATED 16.02.2023 IN CRIME NO.37/2023 AND QUASH THE CHARGE SHEET IN SC NO.50/2025 FILED BY THE 1ST RESPONDENT POLICE AGAINST THE PETITIONERS HEREIN FOR THE OFFENCES PUNISHABLE U/SEC 323, 324, 307, 504, 506 R/W SEC 34 OF IPC, AND ALSO QUASH ALL THE FURTHER PROCEEDINGS IN SC NO.50/2025 INCLUDING THE ORDER OF ISSUANCE OF SUMMONS TO THE PETITIONERS HEREIN WHICH IS PENDING ON THE FILE OF PRL. DISTRICT AND SESSIONS COURT AT KALABURAGI IN THE INTEREST OF JUSTICE AND EQUITY. -3- IN CRL.P.NO.201507/2025: BETWEEN: SHIVRAJ S/O CHITRASHAKHAR, AGED ABOUT: 47 YEARS, OCC: LEGAL PRACTITIONER, R/O NEAR MALLIKARJUN TEMPLE, SHAHABAD ROAD, RAJAPUR, KALABURAGI - 585105. PETITIONER (BY SRI BHARAMAGOUDA KENCHANA GOUDA PATIL, ADVOCATE) AND:

1. THE STATE THROUGH, UNIVERSITY P.S. KALABURAGI, TQ: AND DIST.KALABURAGI, R/BY SPP, HIGH COURT OF KARNATAKA, BENCH AT KALABURAGI - 585102.

2. SHIVASHARANAPPA S/O BASAVANAPPA DANDAPGOL, AGED ABOUT 78 YEARS, OCC: NIL, R/O RAJAPUR, SHAHABAD ROAD, KALABURAGI - 585105. RESPONDENTS (BY SRI GOPALKRISHNA B, YADAV, HCGP FOR R1; BY SRI SANJAY KULKARNI, ADVOCATE FOR R2) THIS CRL.P. IS FILED U/S 482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE PROCEEDINGS IN C.C. NO.4152/2024 PENDING ON THE FILE OF III ADDL. JMFC, KALABURAGI WHICH WAS REGISTERED IN CRIME -4- NO.39/2025 OF UNIVERSITY POLICE STATION AND FILED THE CHARGE SHEET FOR THE OFFENCES PUNISHABLE U/SEC. 143, 323, 324, 307, 504, 506, 149 OF IPC, AGAINST THE PETITIONER TO PREVENT THE ABUSE OF PROCESS OF LAW, IN THE INTEREST OF JUSTICE AND EQUITY. THESE PETITIONS ARE COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM) These captioned criminal petitions arise out of case and counter case and are filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the criminal proceedings pending on the file of the Principal District and Sessions Court, Kalaburagi and III Additional Civil Judge and JMFC, Kalaburagi.

2. In Criminal Petition No.201854/2025, the

petitioners have approached this Court seeking to question the legality and correctness of the proceedings pending in S.C. No.50/2025, arising out of Crime No.37/2023, -5- registered for the offences punishable under Sections 323, 324, 307, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. In Criminal Petition No.201507/2025, the

petitioner seeks quashing of the proceedings pending in C.C. No.4152/2025, arising out of Crime No.39/2023, registered for the offences punishable under Sections 323, 307, 504 and 506 of the Indian Penal Code, 1860. Since both petitions emanate from the same incident and arise out of cross-complaints, they are taken up together for disposal by this common order.

4. The records reveal that on 15.02.2023 at about

02.30 p.m., a quarrel ensued between the parties with regard to fixing of Pan Dabba on a piece of land. The complainant in Crime No.37/2023 alleged that he had permitted the installation of the said structure and objected to the alleged interference by the accused. It is further alleged that during the course of the altercation, -6- the complainant sustained an injury near his eye and that his spectacles were damaged.

5. As a counter-blast to the said complaint, the

complainant in the connected matter lodged a complaint alleging that he was abused in filthy language and assaulted by the opposite party, which resulted in registration of Crime No.39/2023. Upon completion of investigation, charge sheets have been filed in both the cases, which has led to the present petitions seeking quashing of the proceedings.

6. A careful perusal of the materials on record

clearly demonstrates that the present petitions arise out of cross-FIRs stemming from the very same incident. It is indeed unfortunate that both the complainants, who are admittedly practicing advocates, have indulged in a verbal altercation, which has culminated in initiation of criminal proceedings against each other. Both the parties are present before this Court. This Court specifically queried Sri Sivaraj Patil, accused in Crime No.39/2023, and Sri -7- Siddram Dandappgol, accused in Crime No.37/2023. Both have fairly and unequivocally conceded before this Court that they have not sustained any injuries in the alleged incident.

7. Though the charge sheet materials

mechanically invoke Section 307 of IPC in both the cases, the admitted fact remains that neither of the complainants has suffered any injury. Even otherwise, a perusal of the charge sheet materials does not disclose any incriminating material whatsoever to indicate either intention or knowledge to commit murder, which is the sine qua non for attracting the offence punishable under Section 307 of IPC. On the face of it, the incident appears to have arisen out of a trivial quarrel between two factions over a civil dispute relating to land. The dispute is predominantly civil and continuation of criminal prosecution in such circumstances would clearly amount to an abuse of the process of law. -8-

8. It is well-settled that where disputes are

essentially private in nature, do not have serious societal ramifications, and continuation of criminal proceedings would serve no useful purpose, this Court can exercise its inherent jurisdiction to quash such proceedings in order to secure the ends of justice and prevent abuse of process of Court.

9. This Court is therefore of the considered opinion

that permitting the prosecution to proceed in both the matters, particularly when the parties themselves acknowledge absence of injuries and the dispute is personal and civil in character, would not serve any fruitful purpose and would only result in unnecessary harassment of the parties.

10. For the foregoing reasons, this Court proceeds to pass the following: -9-

ORDER

(i) Both the Criminal Petitions are allowed.

(ii) The proceedings in S.C. No.50/2025, arising out

of Crime No.37/2023 registered by University Police Station, for the offences punishable under Sections 323, 324, 307, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, pending on the file of the Principal District and Sessions

Judge, Kalaburagi, insofar as the petitioners are concerned, stand quashed.

(iii) The proceedings in C.C. No.4152/2024, arising

out of Crime No.39/2023 registered by University Police Station, for the offences punishable under Sections 323, 307, 504 and 506 of the Indian Penal Code, 1860, pending on the file of the III Additional Civil Judge and JMFC, Kalaburagi, stand quashed.

(iv) All pending interlocutory applications, if any, stand disposed of. Sd/- (SACHIN SHANKAR MAGADUM) JUDGE RSP List No.: 2 SI No.: 40 CT: MH

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