



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 12<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL REVISION PETITION NO. 200038 OF 2026**

**(397(Cr.PC)/438(BNSS))**

**BETWEEN:**

HARUN S/O GOUSMODDIN ATTAR  
AGE: 28 YEARS, OCC: BUSINESS  
R/O SHALIHUSEN NAGAR,  
VIJAYAPURA  
DIST: VIJAYAPURA-586101

...PETITIONER

(BY SRI. KOUJALAGI CHANDRAKANTH LAXMAN., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
THROUGH VIJAYAPURA  
WOMEN POLICE STATION  
DIST: VIJAYAPURA-586101  
R/BY ADDL. SPP  
HIGH COURT OF KARNATAKA  
KALABURAGI BENCH-585107
2. SAJIDABEGUM D/O PEERSAB NADAF  
AGE: 26 YEARS, OCC: STUDENT AT BLDE  
R/O SHALI HUSSAIN NAGAR  
NEAR IBRAHIM ROZA, VIJAYAPURA

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN, HCGP FOR R1)





THIS CRL.RP IS FILED U/SEC. 397 OF CR.P.C (OLD) U/SEC. 438 OF BNSS (NEW) PRAYING TO A) ADMIT AND CALL FOR THE RECORDS OF TRIAL COURT; B) SET ASIDE THE IMPUGNED JUDGMENT DATED 18.02.2026 PASSED BY THE ADDITIONAL SESSIONS JUDGE FAST TRACK SPECIAL COURT-I AT VIJAYAPURA IN SPECIAL CASE (PoCSO) NO.133/2025 ON APPLICATION FILED BY THE PETITIONER/ACCUSED U/SEC.250 OF BNSS-2023 BEFORE IT AND CONSEQUENTIALLY ALLOW THE APPLICATION DATED 12.01.2026 FILED BY THE PETITIONER FOR DISCHARGE IN SPECIAL CASE (PoCSO) NO.133/2025 ON THE FILE OF ADDITIONAL SESSIONS JUDGE FAST TRACK SPECIAL COURT-I AT VIJAYAPURA.

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 is assailing the order dated 18.02.2026 passed in Special Case (POCSO) No.133/2025 by the Addl. Sessions Judge, Fast Track Special Court-I, Vijayapura, on application filed under Section 250 of Bharatiya Nagarik Suraksha Sanhita, 2023 and consequently to allow the application.

2. The brief facts leading to this petition are that, on the basis of the complaint filed by the complainant, the Women Police Station, Vijayapura registered the case in



Crime No.140/2025 against the accused for the commission of offence under Section 376(2)(n) and Sections 5 and 6 of POCSO Act, 2012. After investigation, the investigating officer submitted the charge sheet against the accused and case was registered in Special Case (POCSO) No.133/2025. The revision petitioner had filed application under Section 250 of Bharatiya Nagarik Suraksha Sanhita, 2023 for discharge of the alleged offences. The Trial Court has dismissed the application vide order dated 18.02.2026. Being aggrieved by the same, the revision petitioner has preferred this petition.

3. Heard the learned counsel for the petitioner and the learned HCGP for respondent No.1-State.

4. Learned counsel appearing on behalf of the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged against him. The entire case, as set out in the complaint, FIR and charge sheet, is false and cooked up story. The complainant was fully conscious of the consequences of



the intimate relationship which flourished between the victim and petitioner for a period of almost 9 years (2017 to 2025). The acts of repeated intimacy and sexual relations were totally consensual in nature and were not established under any false promise, threat, duress or coercion. So, it is a case of prolonged voluntary love affair/relationship between two consenting. Hence, the case against the petitioner is liable to be discharged. Further, looking into the entire complaint and charge sheet materials, police have collected groundless materials on the basis of said groundless materials, police have involved the petitioner as accused which is against the settled principle of law. The alleged incident took place on 03.03.2017. For the first time, the complaint was registered on 07.10.2025 and there is a delay of about 9 years in lodging the complaint. As such, the same goes to the root of the matter and creates a doubt about the genesis or otherwise of the complaint. The complainant moved closely with petitioner since 2017 to 2025, they



were in love with each other and since then they were happily having physical contact which clearly shows that she was a consenting party to those acts. Therefore, there is no forcible sexual assault made by the petitioner. Looking to the facts and circumstances of the case, it is a case of voluntary sexual relationship between two consenting. Hence, the proceedings of criminal case registered against the petitioner for the aforesaid offences tantamount a gross abuse of process of law and therefore the case against the petitioner deserves to be discharged. On all these grounds, sought for allowing of this petition.

5. *Per contra*, learned High Court Government Pleader appearing for respondent No.1-State opposed to the petition.

6. I have examined the materials placed before this Court.

7. The Trial Court has observed in paragraph No.12 to 18 as under;



12) Point No.1- At the stage considering this application, the Court must only evaluate if the prosecution material creates a grave suspicion rather than conducting a mini trial, as held in catena of judgments of Hon'ble Apex Court. The Court cannot consider documents produced by the defendants at this stage. With these principles in mind, the Court proceeds to consider the application of the accused herein.

13) The victim in her statement before the doctor has stated that since 2016 they are in relationship with each other physically and sexually and since one year the accused has refused to marry her. Even before the Magistrate in her statement, she has deposed the very same facts. She has stated that when she was 16 to 17 years old the accused had taken her to watch where he has committed forcible sexual intercourse 3 to 4 times on her.

14) The charge sheet discloses drawing-up of panchanama of the place where the alleged sexual intercourse has taken place at the instance of victim.

15) The statement of the victim is recorded by the police, which is written by her. The said statements have to stand trial.

16) Before Magistrate and doctor she states that incident has occurred during her minority. Prima facie documents and admission by victim discloses that she was in love with him. Whether the said intercourse was during her minority as alleged by her is a matter of trial.

17) Moreover the acts if done during minority, the consent of minor would be inconsequential. Whether the act was on false promise of marriage and during her minority has be



established by full fledged trial. The decision in *Rahul Varma* is not applicable at this stage as a mini trial cannot be held.

18) Prima facie it is seen that the allegation of the act committed was during minority. As such there is sufficient material, in the light of above guided principle to proceed with the trial. It is the statement in the witness box that carries weight. The decision in xxxx vs. State of NCT the object of POCSO Act has been discussed and the seriousness of it. As such the act whether done during the minority has to be by trial. As such the grounds made out by the accused are not tenable. Accordingly point No. 1 is answered in the negative.”

8. On re-appreciation/reconsideration of the materials placed before this court, I do not find any legal or factual error in the impugned order passed by the Trial Court. Hence, I proceed to pass the following;

**ORDER**

This Criminal Revision Petition is ***dismissed***.

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