HC-KAR

NC: 2026:KHC:37528
CRL.P No. 10272 of 2026

CNR: KAHC010479852026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10272 OF 2026

BETWEEN:

1. SRI SHIVARAJA,
   S/O LATE VEERASHETTY,
   AGED ABOUT 60 YEARS.

2. SRI SHIVASHANKARA .H.S,
   S/O SHIVARAJU,
   AGED ABOUT 35 YEARS.

3. SRI MADHUSUDANA @ MADHU,
   S/O SHIVARAJU,
   AGED ABOUT 30 YEARS.

4. SMT. LAKSHMAMMA,
   W/O SHIVARAJU,
   AGED ABOUT 50 YEARS.

   ALL ARE R/AT KELAGALA BEEDI,
   HOSAPETE, HOLIYURUDURGA VILLAGE-572123
   KUNIGAL-TQ, TUMAKURU-DIST.

...PETITIONERS

(BY SRI G R JAYANNA, ADVOCATE)

Digitally signed by PADMAVATHI B K
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA,

HULIYURUDURGA POLICE,
HULIYURUDURGA-572123.
KUNIGAL-TQ, TUMAKURU-DIST.
REP BY SPP, HIGH COURT.

2. SRI NARAYANASHETTY.V,
S/O LATE VEERASHETTY,
AGED ABOUT 57 YEARS.
HOSAPETE, HOLIYURUDURGA
VILLAGE-572123, KUNIGAL-TQ,
TUMAKURU-DIST.

…RESPONDENTS

(BY SRI K NAGESHWARAPPA, HCGP FOR R-1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) TO CALL FOR L.C.R AND QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.34/2022, PENDING BEFORE THE ADDL. SR. CIVIL JUDGE AND JMFC KUNIGAL, FOR THE OFFENCES P/U/S 447, 323, 324, 504, 506 R/W SEC. 34 OF IPC, TO STALL ABUSE OF PROCESS OF COURT.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Petitioners – accused Nos.1 to 4 are before the court seeking the following prayer:

"a) Call for L.C.R.

b) quash the entire proceeding in C.C.No.34/2022 pending before the Addl. Senior Civil Judge & J.M.F.C. Kunigal, for the offences punishable under sections 447, 323, 324,

504, 506 read with section 34 of the Indian Penal Code, to stall abuse of process of the court, to secure ends of justice, in the interest of justice and equity.

c) Such other relief that this Hon'ble Court fit to pass in the circumstances of the case."

2. Heard Sri G.R.Jayanna, learned counsel for petitioners and Sri K. Nageshwarappa, learned High Court Government Pleader for respondent No.1.

3. An incident that happens on 22.11.2020 results in two crimes being registered one by the petitioners against the complainant and other by the complainant against the petitioners. Both are registered in Crime Nos.138/2020 and 139/2020, respectively. The Investigating Officers who investigated into both the crimes, which arose out of a solitary incident were different. Therefore, the investigation and the charge sheet being filed or the trial commenced on the strength of the said two charge sheets / final reports of two different Investigating Officers, in a case and a counter case would run foul of law.

4. This Court in Crl.P.No.6248/2024, disposed on 21.08.2024, considering the very same issue, has held as follows:

"9. The afore-narrated facts are not in dispute. The squabble between two warring factions i.e., the petitioners and the complainant and others is a matter of record, as one incident leaves two complaints. The incident happens on 07.01.2023; Two complaints emerge on 10.01.2023 and 12.01.2023; Two crimes are registered in Crime Nos.4/2023 and 5/2023, therefore it is a case and a counter case, as a solitary incident of assault, against each other results in the aforesaid crimes. The crimes are ostensibly registered before the same police station, as they are registered as a case and a counter case, but Investigating Officers are not the same they are different. Two Investigating Officers are directed to investigate into the crimes, which were alleging identical offences against each other. The offences alleged in the crime registered against these petitioners in Crime No.4/2023 are as follows:

"IPC 1860 (U/s 143, 147, 148, 323, 324 R/W 149)"

They were the ones punishable as aforesaid.

In Crime No.5/2023, the one registered against the complainant are for the following offences:

"IPC 1860 (U/s-504, 143, 147, 148, 149, 323, 324)"

In Crime No.4/2023, charge sheet is filed in C.C.No.364/2023, for the offence under Section 326 of the IPC is laid against these petitioners. In Crime No.5/2023, the charge sheet is filed in C.C.No.394/2023 only for offences punishable under Sections 323, 324 and 504 read with Section 34 of the IPC. It is the contention of the learned counsel appearing for the petitioner that Section 326 of the IPC ought not to have been dropped from the array of charges against the complainant and others. The Investigating Officer therein has deliberately so done. It is here, it becomes necessary to notice the law, as laid down by the Apex Court or this Court with regard to necessity of the same Investigating Officer investigating into crimes, which result in filing of a case and a counter case.

10. The Apex Court in the case of ***State of M.P. v. Mishrilal (Dead) and Others***[1], has held as follows:

> *"6. For the sake of convenience we have devised to categorize the case under the following headings: (1) cross-cases be tried together, (2) genesis of occurrence; (3) presence of accused Ashok Kumar at the place of incident; (4) common object; (5) right of private defence; and (6) non-explanation of the injuries sustained by the accused, by the prosecution.*
>
> ……
>
> ***8. In the instant case, it is undisputed, that the investigating officer submitted the challan on the basis of the complaint lodged by the accused Mishrilal in respect of the same incident. It would have been just, fair and proper to decide both the cases together by the same court in view of the guidelines devised by this Court in Nathi Lal case [1990 Supp SCC 145 : 1990 SCC (Cri) 638] . The cross-cases should be tried together by the same court irrespective of the nature of the offence involved. The rational behind this is to avoid the conflicting judgments over the same incident because if cross-cases are allowed to be tried by two courts separately there is likelihood of conflicting judgments. In the instant case, the investigating officer submitted the challan against both the parties. Both the complaints cannot be said to be right. Either one of them must be false. In such a situation, legal obligation is cast upon the investigating officer to make an endeavour to find out the truth and to cull out the truth from falsehood. Unfortunately, the investigating officer has failed to discharge the obligation, resulting in grave miscarriage of justice."***
>
> *(Emphasis supplied)*

The Apex Court observes that the Investigating Officer submits challan on the basis of the complaint lodged by two persons on the same incident. Two challans are registered. The Apex Court observes that both the incidents cannot be true. One of them must be false. Therefore, the Apex Court observes that a same

[1] **(2003) 9 SCC 426**

Investigating Officer must investigate into a case and a counter case. The Apex Court was following the judgment earlier rendered in the case of ***Nathi Lal v. State of U.P*** [2]. In between the judgment so rendered by the Apex Court in ***Nathi Lal*** and ***Mishrilal*** (*supra*), the learned Judge of this Court had in the case of ***Abdul Majid Sab and Others vs State of Karnataka by Ripponpete Police***[3]***,*** had held as follows:

> *"26. In case and counter, in the final report of both the cases, the I.O., has to necessarily furnish all the documents pertaining to the other case and should explain the genesis of the incident explaining whether it is a free fight between two persons/groups and that both are aggressors. The I.O. should state whether one of the persons/groups is an aggressor and that whether the other has caused injuries in exercise of the right of private defence. It is necessary that the I.O. should explain the injuries on the accused. The final report should necessarily contain the above material to enable the prosecutors to lead evidence correctly and for the Judge to understand the incident in a proper legal perspective to understand the guilt of the accused.*
>
> ***27. It is well-settled principle in a case and a counter the same I.O. should investigate both the cases and should file final report. The different prosecutors should conduct prosecution, the same Judge should try the cases simultaneously and render separate judgments. It is a judicial dicta that the Court should not read/get influenced by the evidence recorded in the other case, unless the said material in the other case is marked as an evidence in the case in question. To say that the Court should not read/influenced by the evidence recorded in the other case under all circumstances would be a perverse view and runs counter to the logic of holding simultaneous investigation by the same I.O. and trial by the same Judge. Otherwise, it is impossible for the Judge to appreciate the guilt of the accused to find out whether both are aggressors and both are guilty of indulging in***

[2] **1990 Supp SCC 145**
[3] **ILR 2010 Kar 1719**

free fight or one of them is an aggressor and the other caused injuries on the accused in exercise of right of private defence.

28. In this regard for useful benefit, the provisions of Madras Police Standing Orders pertaining to investigation of a case and a counter in Rule-588A are extracted hereunder:

> *"588-A : **Charge sheets in cases and counter cases** : In a complaint and counter complaint obviously arising out of the same transaction the Investigating Officer should enquire into both of them and adopt one or the other of the two courses, viz., (1) to charge the case whether the accused were the aggressors or (2) to refer both the cases if he should find them untrue. When the Investigating Officer proceeds on the basis of the complaint it is his duty to exhibit the counter complaint in the Court and also to prove medical certificates of persons wounded on the opposite sides. He should place before the Court a definite case which he asks it to accept. The Investigating Officer in such cases should not accept in to one complaint and examine only witnesses who support it and give no explanations all for the injuries caused to the other side. The truth in these cases is invariably not in strict conformity with either complaint and it is quite necessary that all the facts are placed before the Court to enable it to arrive at the truth and a just decision.*
>
> *If the Investigating Officer finds that the choice of either course is difficult viz. to charge one of the two cases or to throw out both, he should seek the opinion of the Public Prosecutor of the district and act accordingly. A final report should be sent in respect of the case referred as mistake of law and the complainant or the counter-complainant, as the case may be should be advised about the disposal by a notice in F.96 and to seek remedy before the specific Magistrate, if he is aggrieved by the disposal of the case by the Police."*

29. We place on record that we have not come across any single case so far where the final reports in case and counter are filed in the manner indicated above. The imprudent and casual practise of submitting final reports without reference to relevant material of the connected case would only result in improper prosecution and many a time the truth of the incident is not projected before the Court, which ultimately result in unjust conviction or unjust acquittal. The Karnataka Police Manual does not lay down any guidelines for the I.O. regarding the procedures to be followed in the investigation of a case and counter and for filing the final report. It is high time that the necessary amendments have to be effected to the Karnataka Police Manual in this regard.

30. In the instant case, the I.O. has suppressed truthful facts. It is in evidence that PW-1, A-2 and A.8 were admitted to Me.Gann Hospital. The complains of PW.1 and A.2 have been recorded at Me.Gann Hospital, why then the wound certificates of A-2 and A-8 are issued by PHC, Anandapur and not by Me Gann Hospital. The I.O. does not explain the injuries on the A-2 and A-8. It is the duty on the part of the prosecution to explain the injuries on the accused. The A.2 and A.8 have produced their wound certificates and copy of the private complaints in their defence. The I.O. has not produced the final report in Crime No. 91/2001 to explain the genesis of the incident and to show which party is an aggressor. In the absence of complete material relating to incident, it will be difficult for the Court to adjudge the guilt of the accused.

31. The FIR lodged by A-2 probabilises the fact that, PW-1, PW-3 to P.W.5, PW.9 and PW.12 along with the deceased have also indulged in the acts of assault on A-2 and A-8 who were also admitted to Me Gann Hospital simultaneously along with the deceased and PW-1. In the circumstances, it can be inferred that in a state of quarrel between the two groups the assault takes place and injuries are inflicted on the members of both the group. The case of the prosecution discloses that in the second phase of attack, it was only A.1 and A.6 who deal blows on the deceased. The others said to have fisted and kicked the deceased. But there are no corresponding injuries to corroborate the overt acts of fisting and kicking.

The Trial Court has committed a grave error in acquitting A-6 for an offence under Section 302 IPC. The Trial Court has convicted only A.1 under Section 302 IPC. Since there is no appeal by the State against the acquittal of A.6, it may not be proper to reconsider the order of acquittal.

32. The evidence of the witnesses implicate A-1, A-2, A-6, A-17 to A-20 and A-24 with overt acts of assaulting PW-1, PW-5, PW-12 and the deceased. There is no reference to the overt acts of A.3, to A.5, A.7 to A.16 and A.21 to A.23. The conviction of A.1, A.2, A.6, A.17 to A.20 and A.24 for offence under Section 324 r/w Sec, 149 IPC is confirmed.

33. The conviction of A.3 to A.5 A.7 to A.16 and A.21 to A.23 under Sections 143, 147, 323, 324 r/w Sec. 149 IPC is set aside.

34. The conviction of A.1, A.2 and A.6 under section 148 IPC is confirmed, although improper to the extent in acquitting the other accused who are guilty under Section 148 IPC.

35. The conviction of A.1 under Section 302 IPC is confirmed.

The Registry is directed to send a copy of the Judgment to the Home Secretary, Director General of Police and Hon'ble Law Minister to give effect to the observations made in paras 26, 27 and 28 regarding the procedure to be followed by the I.O. in a 'case and counter' and for effecting necessary amendments to the Karnataka Police Manual."

(Emphasis supplied)

This Court, set aside the conviction of the accused *inter alia* on the said ground and directed the Deputy General of Police to strictly follow the observation and bring in necessary amendments to the Karnataka Police Manual.

11. After the judgment of this Court (*supra)*, the Director-General of Police and Inspector-General of

Police, issues a circular on 21.06.2013. The circular reads as follows:

"*ಕರ್ನಾಟಕ ಸರ್ಕಾರ*
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

ಸಂ: ಅಪರಾಧ–2/73/ರಿ.ಅ/2013 *ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು ಆರಕ್ಷಕ ಮಹಾ ನಿರೀಕ್ಷಕರವರ ಕಛೇರಿ*
ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು
ದಿ:21–06–2013

ಅತಿ ಜರೂರು ಸುತ್ತೋಲೆ

ವಿಷಯ: ಪ್ರಕರಣ ಹಾಗೂ ಪ್ರತಿ ಪ್ರಕರಣಗಳ ತನಿಖೆ ಹಾಗು ಅಂತಿಮ ವರದಿ ಸಲ್ಲಿಸುವಾಗ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಹಾಗು ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪುಗಳ ಪಾಲನೆ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: ಸಹಾಯಕ ಸರಕಾರಿ ಅಭಿಯೋಜಕರು, ಎರಡನೇ ಅಪರ ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಿಕ ದಂಡಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯ ಧಾರವಾಡ ರವರ ಪತ್ರ ದಿನಾಂಕ: 1–4–2013

* * *

ಪ್ರಕರಣ ಹಾಗೂ ಪ್ರತಿ ಪ್ರಕರಣಗಳ ತನಿಖೆ ಹಾಗು ಅಂತಿಮ ವರದಿ ಸಲ್ಲಿಸುವಾಗ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಹಾಗು ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪುಗಳ ಪಾಲನೆ ಮಾಡುವ ಬಗ್ಗೆ ಸಹಾಯಕ ಸರಕಾರಿ ಅಭಿಯೋಜಕರು, ಎರಡನೇ ಅಪರ ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಿಕ ದಂಡಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯ ಧಾರವಾಡ ರವರು ಈ ಕಛೇರಿಗೆ ಬರೆದ ಪತ್ರದಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಪರಿಗಣಿಸಿ, ಕಟ್ಟುನಿಟ್ಟಿನ ಪಾಲನೆಗಾಗಿ ಈ ಸುತ್ತೋಲೆಯನ್ನು ಹೊರಡಿಸಲಾಗಿದೆ.

- ***ಒಬ್ಬನೇ ತನಿಖಾಧಿಕಾರಿಯು ಎರಡು ಪ್ರಕರಣಗಳ ತನಿಖೆಯನ್ನು ಕೈಗೊಳ್ಳಬೇಕು.***
- *ಅಂತಿಮ ವರದಿಗಳನ್ನು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸುವಾಗ ಮೊದಲ ಪ್ರಕರಣದಲ್ಲಿ ಪ್ರತಿ ಪ್ರಕರಣವಿರುವ ಬಗ್ಗೆ ಕಾಣುವಂತೆ ಟಿಪ್ಪಣಿ ಹಾಕಿ ಪ್ರತಿ ಪ್ರಕರಣದ ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ, ದೂರು, ಒಳಗೊಂಡ ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳ ಧೃಢೀಕೃತ ಪ್ರತಿಗಳನ್ನು ಲಗತ್ತಿಸಬೇಕು. ಇದೇ ರೀತಿ ಪ್ರತಿ ಪ್ರಕರಣದ ಅಂತಿಮ ವರದಿಯಲ್ಲಿ ಇದು ಪ್ರತಿ ಪ್ರಕರಣವಿದ್ದು ಮೊದಲ ಪ್ರಕರಣದ ಬಗ್ಗೆ ಕಾಣುವಂತೆ ಟಿಪ್ಪಣಿ ಹಾಕಿ ಮೊದಲ ಪ್ರಕರಣದ ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ, ದೂರು, ಒಳಗೊಂಡ ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳ ಧೃಢೀಕೃತ ಪ್ರತಿಗಳನ್ನು ಲಗತ್ತಿಸಬೇಕು.*
- *ಸದರಿ ಅಂತಿಮ ವರದಿಗಳಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯು ಸದರಿ ಘಟನೆಗೆ ಮೂಲ ಕಾರಣ ತಿಳಿಸುತ್ತಾ ತನಗೆ ಇದು ವ್ಯಕ್ತಿ / ಗುಂಪಿನ ನಡುವೆ ನೋಟಕರು ಸೇರಿಕೊಳ್ಳುವ ಹೊಡೆದಾಟದ ಬಗ್ಗೆ ಹಾಗು ಅವರಲ್ಲಿ ದಾಳಿಕಾರ / ರಕ್ಷಣಾತ್ಮಕ ದಾಳಿ ಕೈಗೊಂಡವರ ಬಗ್ಗೆ ತಿಳಿಸಿ ಯಾರಿಗೆ ಹೇಗೆ? ಯಾವ ಕಾರಣಕ್ಕೆ ಗಾಯಗಳುಂಟಾದವು? ಎಂಬುದನ್ನು ಸ್ಪಷ್ಟ ಅಭಿಪ್ರಾಯದೊಂದಿಗೆ ಅಂತಿಮ ವರದಿಗಳನ್ನು ಸಲ್ಲಿಸಬೇಕು.*
- *ಇದೇ ರೀತಿ ಪ್ರಕರಣ ಹಾಗು ಪ್ರತಿ ಪ್ರಕರಣಗಳ ಅಂತಿಮ ವರದಿಗಳನ್ನು ಸದರಿ ನ್ಯಾಯಾಲಯಗಳ ನಿರ್ದೇಶನ ಪಾಲನೆಯಾದ ಕುರಿತಂತೆ ಕಂಡುಕೊಳ್ಳಲು ಪರೀಶೀಲನೆಗೆ ಒಬ್ಬನೇ ಅಭಿಯೋಜಕರಿಗೆ ನೀಡಿ ನಂತರ ನ್ಯಾಯಾಲಯಗಳಿಗೆ ಸಲ್ಲಿಸುವುದು.*

ಮೇಲಿನ ಅಂಶಗಳನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸಲು ತಮ್ಮ ತಮ್ಮ ಅಧೀನದಲ್ಲಿ ಬರುವ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ ತಾಕೀತು ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಅನುಪಾಕಲನಾ ವರದಿಯನ್ನು ಪಡೆಯತಕ್ಕದು.

ಸಹಿ/–21/6/13
ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು ಆರಕ್ಷಕ
ಮಹಾ ನಿರೀಕ್ಷಕರವರ ಪರವಾಗಿ

ಪೊಲೀಸ್ ಕಮೀಷನರ್, ಬೆಂಗಳೂರು ನಗರ / ಮೈಸೂರು ನಗರ / ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ/ಮಂಗಳೂರು ನಗರ

ಎಲ್ಲಾ ಪೊಲೀಸ್ ಮಹಾನಿರೀಕ್ಷಕರುಗಳು

ಎಲ್ಲಾ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರುಗಳು, ಕೆಜಿಎಫ್ ಮತ್ತು ರೈಲ್ವೇಸ್ ಸೇರಿದಂತೆ

ಮಾಹಿತಿಗಾಗಿ

ಸರಕಾರಿ ಅಭಿಯೋಜಕರ ಕಛೇರಿ, ಎರಡನೇ ಅಪರ ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಿಕ ದಂಡಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯ ಧಾರವಾಡ."

(Emphasis added)

12. The Circular was in tune with what the law is laid down by the Apex Court and this Court. Unfortunately, the circular has remained only on paper. It appears that it is issued only for the sake of its issuance and not its implementation. Ten years have passed by, this Court is coming across plethora of cases where a case and a counter case is still being investigated by two different Investigating Officers. The circular cannot be kept in cold storage, as the reasons for its issuance was to bring in investigation and prosecution in tune with law. There are a few cases where the same Investigating Officer is investigating and there are whole lot of cases where different Investigating Officer investigating the case and a counter case. This result in grave injustice and some times failure of justice. All on account of the callous act on the part of the State in not implementing its own circular notified to implement the law.

13. Therefore, it has become necessary to direct the State to retrace its steps, again issue a circular or bring necessary amendments to the Karnataka Police Manual, failing which, it would continue to act contrary to law, which the State is not expected to do. A circular shall ensue depicting that in the event different Investigating Officers investigate into a case and a counter case, those Investigating Officers would become answerable to a Departmental Action against those persons, who venture into appointing two Investigating Officers to investigate a case and a counter case, as the law is **lucid** the circular to implement the law is **pellucid**. Therefore, the State shall henceforth ensure

> that a case and a counter case shall be investigated by the same Investigating Officer.
>
> 14. Swinging back to the facts of the case, the Investigating Officers have filed their respective charge sheets in Crime Nos.4/2023 and 5/2023 - a case and a counter case. That being contrary to law, the investigation so conducted would be rendered unsustainable. Therefore, in exercise of my jurisdiction under Section 482 of the Cr.P.C., I deem it appropriate to obliterate the investigation so conducted in Crime Nos.4/2023 and 5/2023 and direct reinvestigation to be conducted in Crime Nos.4 and 5/2023."

In the light of the afore-quoted judgment rendered by this Court and the Circular issued by the State, following the afore-quoted judgment, the act of the State in appointing two different Investigating Officers on a solitary incident to investigate into two crimes being registered thereon, requires to be obliterated.

5. For the aforesaid reasons, the following:

ORDER

a. The criminal petition is allowed.

b. The proceedings in C.C.No.34/2022 (arising out of crime No.138/2020), pending before the Addl. Senior Civil Judge & J.M.F.C. Kunigal, *qua* the petitioners, stand quashed.

c. As a consequence, the counter crime registered by the petitioners against respondent No.2 in Crime No.139/2020, also stands quashed.

d. The State is directed to get the matter *de novo* investigated in Crime Nos.138 and 139 of 2020, from the hands of the same Investigating Officer.

iv) The said *de novo* investigation shall be concluded within three months from the date of its entrustment and commencement.

v) All contentions would remain open.

Ordered accordingly.

I.A.No.1/2026 stands disposed, as a consequence.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ
List No.: 2 Sl No.: 113