IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.100782 OF 2022

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. HANAMANTAPPA S/O. GUDDAPPA LINGADHALLI,
AGE ABOUT 51 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108. TQ. HAVERI,
DIST. HAVERI.

2. RAMAPPA S/O. GUDDAPPA LINGADHALLI,
AGE ABOUT 40 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,
DIST. HAVERI.

3. LAXMAN S/O. GUDDAPPA LINGADHALLI,
AGE ABOUT 40 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,
DIST. HAVERI.

Digitally signed by
CHANDRASHEKAR
LAXMAN KATTIMANI
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH
DHARWAD

4. BEERAPPA S/O. HANAMANTAPPA LINGADHALLI,
AGE ABOUT 25 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,
DIST. HAVERI.

5. SMT. SHAILAVVA W/O. HANAMANTAPPA
LINGADHALLI,
AGE ABOUT 43 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,
DIST. HAVERI.

6. SMT. SUNITA W/O. JAYAPPA MUCHHIKOPPANAVAR,
AGE ABOUT 27 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,

DIST. HAVERI.

7. ANITA D/O. HANAMANTHAPPA LINGADHALLI,
AGE ABOUT 26 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,
DIST. HAVERI.

8. SAVITRAVVA W/O. NARAYANAPPA DELANNAVAR,
AGE ABOUT 35 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,
DIST. HAVERI.

…PETITIONERS

(BY SRI. M.M. PATIL, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD BENCH,
DHARWAD-580011.

2. NINGAPPA S/O. BHIMAPPA LINGADHALLI,
AGE ABOUT 55 YEARS, OCC. AGRICULTURE,
R/O. BHARADI-581108, TQ. HAVERI,
DIST. HAVERI.

…RESPONDENTS

(BY SRI. PRAVEENA Y.DEVAREDDIYAVARA, HCGP FOR R1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ORDER DATED 13.06.2019 IN C.C. NO.512/2019 ARISING OUT OF P.C.NO.254/2016 PENDING BEFORE ADDITIONAL CIVIL JUDGE AND JMFC COURT AT HAVERI REGISTERED BY THE GUTTAL POLICE STATION FOR THE OFFENCE PUNISHABLE UNDER SECTION 143, 147, 323, 324, 354(B), 504, 506 R/W 149 OF INDIAN PENAL CODE IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. Heard the learned counsel appearing for the petitioners, learned High Court Government Pleader for the respondent No.1 and the learned counsel appearing for the respondent No.2.

2. This petition is filed assailing the order dated 13.06.2019 in C.C.No.512/2019 on the file of JMFC, Haveri. This order is passed pursuant to the petition filed by the complainant, who challenged the 'B' report.

3. Learned counsel for the petitioners places reliance on the decision of the Co-ordinate Bench of this Court in ***Dr. Ravikumar v. Mrs. K.M.C. Vasantha***[1].

4. It is contended that the Co-ordinate Bench has held that, when a protest petition is filed, the learned Magistrate must first apply his mind to the contents of the 'B' report and decide whether to accept or reject the same, or call for a further report and only thereafter can the Magistrate consider

[1] *ILR 2018 KAR 1725*

the protest petition or private complaint and proceed in accordance with law.

5. It is submitted that, in the present case, without considering the contents of the 'B' report, the learned Magistrate proceeded to record the sworn statement, accepted the protest petition, and took cognizance of the offence. Therefore, it is urged that the procedure adopted by the learned Magistrate is contrary to the law laid down by this Court.

6. Learned counsel for respondent No. 2 supports the impugned order and submits that the learned Magistrate, after recording the sworn statement, found sufficient grounds to take cognizance and proceed with the case.

7. The Court has considered the contentions urged and perused the records.

8. The impugned order does not show that the learned Magistrate considered the 'B' report or its contents before taking cognizance. Therefore, the procedure required under law has not been followed. Hence, the petition is ***allowed in part***.

9. The impugned order dated 13.06.2019 in C.C.No.512/2019 on the file of JMFC, Haveri is set aside.

10. The matter is remitted to the Jurisdictional Magistrate to reconsider the 'B' report and pass appropriate orders in accordance with law, keeping in mind the guidelines laid down in ***Dr. Ravikumar*** (supra).

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

KGK
CT: UMD
List No.: 1 Sl No.: 46