



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 1ST DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.101701 OF 2021 (482(Cr.PC)/528(BNSS))

BETWEEN:

1. BASAVARAJ KALAKAPPA MASAGATTI,
AGE ABOUT 40 YEARS, OCC. BUSINESS,
R/O. MALEKOPP, KOPPAL, KARNATAKA,
PRESENT AT NIRANI SUGARS MUDHOL,
DIST. BAGALKOT-587101, KARNATAKA.
2. IRAPPA RUDRAPPA WALI,
AGE ABOUT 40 YEARS, OCC. BUSINESS,
R/O. NAVALAGI, TQ. MUDHOL,
DIST. BAGALKOT-587101, KARNATAKA.
3. BASAVARAJ LAXMAN PATTEKAR,
AGE ABOUT 30 YEARS, OCC. BUSINESS,
R/O. SATTI, TQ. MUDHOL,
DIST. BAGALKOT-587101.

...PETITIONERS

(BY SRI. M.L. VANTI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY PSI MUDHOL POLICE STATION,
BAGALKOT, BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH-580001.
2. VISHWANATH SURESH UDAGATTI,
AGE. 29 YEARS, OCC. BUSINESS,
R/O. NEAR SIVAJI CIRCLE, MUDHOL,
DIST. BAGALKOT-587101,

...RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1;
NOTICE TO R2 IS SERVED)





HC-KAR

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC. PRAYING TO QUASH THE PROCEEDINGS AGAINST THE PETITIONERS/ACCUSED NO.6 TO 8 IN C.C NO.777/2019 (MUDHOL POLICE STATION CRIME NO.3/2018) PENDING ON THE FILE OF PRL. CIVIL JUDGE AND JMFC, MUDHOL FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 342, 323, 324, 326, 355, 365, 504, 506, 109, 201 R/W 149 OF IPC IN THE INTEREST OF JUSTICE.

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

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. This petition is filed challenging the charge sheet filed against petitioners No.1 to 3, who are arraigned as accused Nos.6 to 8 in C.C.No.777 of 2019 on the file of JMFC, Mudhol, for the offences punishable under Sections 143, 147, 148, 342, 323, 324, 326, 355, 365, 504, 506, 109, 201 read with Section 149 of Indian Penal Code.

2. Learned counsel appearing for the petitioners submits that the allegations relating to kidnapping, assault, threat, criminal trespass, unlawful assembly and causing grievous and simple injuries are not maintainable against the petitioners.

3. In support of his contention, learned counsel would refer to the complaint filed by the alleged victim, wherein the



petitioners are not named. It is his further submission that the charge sheet is filed against the petitioners only on the basis of evidence of three witnesses of CW-10, CW-11 and CW-12, who are said to be the employees of the factory and the said employees have made a statement that they learnt about the commission of alleged offences against the complainant. Therefore, it is contended that the charge sheet against the petitioners based only on hearsay material and is not sustainable in law.

4. Learned High Court Government Pleader submits that the allegations levelled against the petitioners are serious in nature. After conducting a detailed investigation, the police have filed the charge sheet. It is contended that disputed questions of facts are involved and the statements would disclose that the petitioners have committed the offence as such, the proceeding cannot be quashed against the petitioners.

5. The Court has considered the contentions raised at the bar and perused the records.

6. It is noticed that the charge sheet has been filed for the aforementioned offences against the petitioners and others, totaling nine accused. As per the averments in the complaint,



the complainant was allegedly kidnapped by four persons specifically named therein and was taken to the factory premises belonging to accused No.9, where he was allegedly assaulted.

7. The complaint does not disclose the presence or involvement of accused Nos.6 to 8. The police have filed charge sheet against the petitioners solely on the basis of the statements made by CW-10, CW-11 and CW-12, who have stated only that they heard about the commission of alleged offence by the petitioners and other accused persons.

8. The Court, on consideration of the material on record, is of the view that the charge sheet against accused Nos.6, 7 and 8 cannot be sustained. The statements of CW-10, CW-11 and CW-12 are hearsay, as they have only stated that they heard about the alleged incident and have no direct knowledge of the same.

9. Further, the complainant has neither named accused Nos.6, 7 and 8 in the complaint nor attributed any role to them. The complaint specifically names only four persons as having committed the alleged offences. Except the hearsay statements of CW-10, CW-11 and CW-12, there is no material on record to show the involvement of the present petitioners. Therefore, filing



of the charge sheet against accused Nos.6, 7 and 8 solely on the basis of such hearsay statements cannot be sustained in law.

10. For the aforementioned reasons, this Court is of the view that the continuation of proceedings against the petitioners is not justified as it is abuse of the process of law. Accordingly, the following:

ORDER

- i. Petition is allowed.
- ii. The charge sheet and proceeding insofar as it relates to accused Nos.6, 7 and 8 are hereby quashed.
- iii. It is made clear that the observations made in this order shall not be used as a defence by the remaining accused who are facing trial before the JMFC, Mudhol.
- iv. The bail bonds, if any, executed by the petitioners shall stand cancelled.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**