



HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 7TH DAY OF MAY, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.105478 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. GIRISH GAYAKWAD S/O. ANANDRAO,
AGE. 48 YEARS, OCC. AGRICULTURIST,
R/O. SIDHIKERI VILLAGE, GANGAVATI,
DIST. KOPPALA-583227.
2. AMARESH S/O. ANANDRAO GAYAKWAD,
AGE. 38 YEARS, OCC. AGRICULTURIST,
R/O. SIDHIKERI VILLAGE, GANGAVATI,
DIST. KOPPALA-583227.
3. FIROZRAO S/O. ANANDRAO GAYAKWAD,
AGE. 43 YEARS, OCC. AGRICULTURIST,
R/O. SIDHIKERI VILLAGE, GANGAVATI,
DIST. KOPPALA-583227.
4. SHARABOJIRAO GAYAKWAD
S/O. NAGOJIRAO GAYAKWAD,
AGE. 51 YEARS, OCC. AGRICULTURIST,
R/O. SIDHIKERI VILLAGE, GANGAVATI,
DIST. KOPPALA-583227.
5. MARTANDARAO S/O. SHIVAJIRAO GAYAKWAD,
AGE. 50 YEARS, OCC. AGRICULTURIST,
R/O. SIDHIKERI VILLAGE, GANGAVATI,
DIST. KOPPALA-583227.
6. MEGHARAJ GAYAKWAD S/O. GIRISH GAYAKWAD,
AGE. 23 YEARS, OCC. STUDENT,
R/O. SIDHIKERI VILLAGE, GANGAVATI,
DIST. KOPPALA-583227.
7. SAGAR GAYAKWAD S/O. GIRISH GAYAKWAD,
AGE. 23 YEARS, OCC. STUDENT,
R/O. SIDHIKERI VILLAGE, GANGAVATI TALUK,
DIST. KOPPALA-583227.





8. RAGHAVENDRA GAYAKWAD
S/O. VENKOJIRAO GAYAKWAD,
AGE. 42 YEARS, OCC. AGRICULTURIST,
R/O. SIDHIKERI VILLAGE, GANGAVATI,
DIST. KOPPALA-583227.

...PETITIONERS

(BY SRI. J.S. SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS GANGAVATI POLICE STATION
AUTHORITIES GANGAVATI SUB-DIVISION,
KOPPALA DISTRICT REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA,
DHARWAD-580008.
2. YAMANURAPPA S/O. DURGAPPA CHAKAPUR,
AGE. 55 YEARS,
R/O. SIDHIKERI, GANGAVATI TALUK,
DIST. KOPPALA-583227.
3. RAVIKUMAR S/O. YAMANURAPPA CHIKAPUR,
AGE. 25 YEARS,
R/O. SIDHIKERI, GANGAVATI TALUK,
DIST. KOPPALA-583227.
4. RAVIKUMAR S/O. MALLESH NAYAK @ MALLAPPA NAYAK,
AGE. 30 YEARS,
R/O. SIDHIKERI, GANGAVATI TALUK,
DIST. KOPPALA-583227.

...RESPONDENTS

(SRI. ABHISHEK MALIPATIL, HCGP FOR R1;
SRI. SANTOSH B.MALAGOUDAR, ADVOCATE FOR R2 TO R4)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (528 OF BNSS), PRAYING TO ENTIRE CRIMINAL PROCEEDINGS IN GANGAVATI RURAL P.S CRIME NO.245/2025 NOW ON THE CHARGE SHEET BEING FILED NUMBERED AS SPL.SC/ST CASE NO.17/2025 PENDING BEFORE THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, GANGAVATI, FILED FOR THE OFFENCE PUNISHABLE UNDER SECTION 191(2), 115(2), 189(2), 351(2), 190, 352 OF BNS ACT 2023 AND SECTION 3(1)(S), 3(1)(R), 3(2)(VA) OF THE SC/ST PREVENTION OF ATROCITIES ACT 1989, INITIATED AGAINST THESE PETITIONERS/ACCUSED NO.1 TO 8 AS PER CHARGE SHEET MAY KINDLY BE QUASHED BY ALLOWING THIS CRIMINAL PETITION WITH THE COST THROUGHOUT IN THE ENDS OF JUSTICE AND EQUITY.



THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED ON 30.04.2026 COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THIS COURT MADE THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This criminal petition is filed by the petitioners/accused Nos.1 to 8 under Section 482 of Code of Criminal Procedure (Cr.P.C.)/528 of Bharatiya Nagarika Suraksha Sanhita, 2023 (BNSS), praying to quash the entire criminal proceedings levied against them, as per the prayer described in the petition below:

"PRAYER

Therefore it is prayed that the entire criminal proceedings in Gangavati Rural P.S. in Crime No.245/2025 now on the charge sheet being filed numbered as Spl. SC/ST Case No. 17/2025 pending before the Additional District and Sessions Judge, Gangavati, filed for the offence punishable under section 191(2), 115(2), 189(2), 351(2), 190, 352 of BNS Act 2023 and section 3(1)(s), 3(1)(r), 3(2)(va) of the SCST prevention of Atrocities Act, 1989, initiated against these petitioners/accused Nos.1 to 8 as per the charge sheet may kindly be quashed by allowing this criminal petition with the cost throughout in the ends of justice and equity."



2. It is the brief case of prosecution as per the FIR, complaint, charge sheet and annexed materials to the charge sheet that there was formation of a cement road sanctioned from Maremma Temple on Siddikeri road to Anjaneya Temple and the tender was allotted to one Ramamohan Rao. When the road was under formation, the petitioners/accused Nos.1 to 8 objected to the formation of the road on the ground that their land was encroached upon and in this regard, the authorities of the Public Works Department (for short 'PWD') have inspected the site.

3. When this being the fact, on 20.08.2025 at 10:30 a.m., when the formation of road was under process, all the petitioners/accused Nos.1 to 8 came to the spot and started abusing the son of the complainant with reference to caste and also in filthy language and assaulted the son of the complainant with the help of iron rod and a blow was given on the head of the son of the complainant; therefore, the injured sustained injuries on the head and immediately he was shifted to the hospital. The petitioners/accused



Nos.1 to 8 also assaulted, criminally intimidated threatened the life of the son of the complainant and his friends. Hence, with these allegations, the complaint was lodged and FIR was registered for the offences above stated.

4. Heard the arguments of both the learned counsels appearing on behalf of the parties and perused the materials available at this stage produced before the Court.

5. Learned counsel appearing on behalf of the petitioners/accused Nos.1 to 8 vehemently submitted that the complaint lodged is abuse of process of the Court as a false complaint was lodged at the behest of the contractor making the complainant and his son as forefront of the incident. It is submitted that the petitioners/accused Nos.1 to 8 are the owners of land bearing Sy.No.239/*, which is adjacent to Gangavati-Siddikeri road towards the southern side.

6. It is further submitted that in the village map, the road is shown adjacent to the petitioners' land, but when this being the fact, the Town Municipal Council



authorities (for short, 'TMC') and the PWD authorities formed the road by encroaching upon the land of the petitioners through the contractor, which was being opposed by the petitioners/accused Nos.1 to 8. In this regard, an original suit is filed before the Court of Principal Civil Judge and JMFC, Gangavati and also a writ petition was filed before this Court and the petitioners/accused Nos.1 to 8 were obtained interim orders.

7. When this being the fact, the PWD authorities, the contractor and authorities of TMC, Gangavati, attempted to encroach upon the land of the petitioners for formation of the road and at that moment, a false complaint was lodged against the petitioners/accused Nos.1 to 8. Therefore, it is submitted that when it is the fundamental right of the petitioners/accused Nos.1 to 8 to protect their property at the behest of the complainant, a false complaint was filed against the petitioners/accused Nos.1 to 8. Hence, it is submitted that it is nothing but abuse of process of the



Court; therefore, prays to quash the proceedings as it is a severe abuse of process of the Court.

8. Further submitted that the petitioners herein have lodged a complaint against the accused in Crime No.242/2025, who assaulted the petitioners/accused Nos.1 to 8 and committed the crime as against the petitioners/accused Nos.1 to 8; therefore, as a counterblast, the complainant, his son and his friends conspired together and lodged a false complaint in Crime No.245/2025. Hence, it is submitted that the complaint lodged against the petitioners/accused Nos.1 to 8 in Crime No.245/2025 is a counterblast to the Crime No.242/2025 and is nothing but abuse of process of the Court.

9. Further submitted that when the petitioners/accused Nos.1 to 8 protested against the formation of the road on their land by encroachment, at the behest of the TMC authorities, PWD authorities and contractor making the complainant the forefront, a false complaint was against the petitioners/accused Nos.1 to 8.



Therefore, submitted that from the very charge sheet materials and charge sheet, *prima facie* it is found to be abuse of process of the Court. Hence, prays to quash the proceedings.

10. During the course of arguments, learned counsel appearing on behalf of the petitioners/accused Nos.1 to 8 filed a memo with some documents. Therefore, prays to quash the proceedings as it is found to be abuse of process of the Court.

11. Further submitted that the Police have filed a 'B' final report in Crime No.242/2025 by which, the complaint was initiated against the complainant and his son and his friends. Though the petitioners/accused Nos.1 to 8 have made out sufficient case for prosecution against them, a false 'B' final report was filed, which is under challenge before the concerned Court of law. However, in this case, though no offence was committed by the petitioners/accused Nos.1 to 8, on the basis of a false complaint, a frivolous charge sheet has been filed by



conducting an unfair investigation. Hence, prays to quash the proceedings in this case in Crime No.245/2025.

12. In support of the arguments learned counsel appearing on behalf of the petitioners/accused Nos.1 to 8 places reliance on the judgments of Hon'ble Supreme Court in the cases of **STATE OF HARYANA AND OTHERS VS. BHAJAN LAL AND OTHERS**¹ (*Bhajan Lal and Others case*) and **PRADEEP KUMAR KESARWANI VS. STATE OF UTTAR PRADESH AND ANOTHER**² (*Pradeep Kumar Kesarwani case*).

13. On the other hand, learned counsel appearing on behalf of respondent No.2 and learned HCGP appearing on behalf of respondent No.1/State vehemently submitted that the averments made in the complaint, FIR, charge sheet and materials produced along with charge sheet clearly show that there is a *prima facie* case made out as against the petitioners/accused Nos.1 to 8 that the

¹ 1992 Supp (1) SCC 335

² 2025 SCC OnLine SC 1947



petitioners/accused Nos.1 to 8 have committed the offences alleged and hence, the proceedings cannot be quashed. Further, it is submitted that filing of charge sheet itself vindicates that the prosecution has a *prima facie* case for trial. Hence, prays to dismiss the petition.

14. In support of the arguments, learned counsel appearing on behalf of the respondents' places reliance on the judgment of Hon'ble Supreme Court in the case of **R.A.H. SIGURAN VS. SHANKARE GOWDA ALIAS SHANKARA AND ANOTHER**³.

15. Upon considering the *prima facie* materials of the case, the petitioners/accused Nos.1 to 8 are stated to be the owners of the land bearing Sy.No.239/* measuring 15 acres 04 guntas situated at Gangavati, Koppal district. It is the case of petitioners/accused Nos.1 to 8 that they are the owners in title and also in possession of the property. It is the allegation of the petitioners/accused Nos.1 to 8 that the TMC authorities, PWD authorities and the contractors have

³ (2017) 16 SCC 126



encroached upon the land of the petitioners/accused Nos.1 to 8 and were also attempting to encroach further land of the petitioners/accused Nos.1 to 8; in that process, the petitioners/accused Nos.1 to 8 have protested against the said encroachment during formation of the road. Thus, in this background, the alleged offences stated to have occurred.

16. The petitioners/accused Nos.1 to 8 have produced a copy of FIR in Crime No.242/2025, which is a complaint given by petitioner No.2/accused No.2 in Crime No.242/2025. In the complaint, it is stated that the petitioners/accused Nos.1 to 8 are the owners and are in possession of the land, but when an attempt was made to encroach upon the property of the petitioners/accused Nos.1 to 8, the accused named in Crime No.242/2025 came to the spot and started forming the road by encroaching upon the petitioners' land; in that process, the accused named in Crime No.242/2025 have abused and assaulted



and petitioner No.2 sustained injuries and was immediately admitted to the hospital as he sustained injury on the head.

17. It is alleged in the complaint in Crime No.242/2025 that the accused named in Crime No.245/2025 have assaulted petitioner No.2 herein with an iron rod on the head and therefore, he was suffering from bleeding. Hence, petitioner No.2 lodged a complaint before the Police on 22.08.2025 at 06:30 p.m., which is registered as Crime No.242/2025. Hence, it is *prima facie* found that petitioner No.2 had sustained injuries on the head; therefore, he was admitted to the hospital and lodged a complaint on 22.08.2025 at 06:30 p.m.

18. There is a delay about two days in lodging the complaint in Crime No.242/2025 against the accused named in this Crime No.245/2025 and the reason is that the complainant was taking treatment in the hospital as he had suffered injuries on the head; therefore, there was some delay occurred in lodging the complaint, which is found in the FIR in Crime No.242/2025.



19. In Crime No.242/2025, the son of the complainant is also named as accused No.2 along with other nine accused, whoever on the spot and are alleged to have committed the crime against the petitioners/accused Nos.1 to 8.

20. Upon considering another Crime No.245/2025, it is also stated that the occurrence of incident on 20.08.2025, but the complaint lodged on 23.08.2025 at 04:00 p.m. The delay mentioned in the FIR regarding lodging of the complaint is that since they held a meeting with elders in their community; therefore, the complaint was lodged belatedly.

21. Upon considering these two registrations of complaint/FIR, Crime No.242/2025 is registered at the initial point of time by petitioner No.2 in which he has stated that since he had suffered injuries and was in the hospital, some delay occurred in lodging the complaint. The learned counsel appearing on behalf of the petitioners/accused Nos.1 to 8 filed a memo of documents



along with photograph showing petitioner No.2 had sustained injuries on the head and there was bleeding. This photograph of petitioner No.2 is not disputed by the learned counsel appearing on behalf of respondent No.2 as well as learned HCGP. There was also a photograph of JCB machine produced showing digging of the land, which is just adjacent to the house of the petitioners/accused Nos.1 to 8. Hence, upon considering the genesis of occurrence of the incident and registration of FIR in Crime No.242/2025 and in Crime No.245/2025, both are to be considered in the background of formation of the road.

22. Learned counsel appearing on behalf of the petitioners/accused Nos.1 to 8 submitted that the petitioners/accused Nos.1 to 8 have filed a suit in O.S.No.193/2025 before the Principal Civil Judge and JMFC, Gangavati, and also a writ petition in W.P.No.104283/2025 filed before this Court and there is an interim order that there shall be no activities on the land bearing Sy.No.239/*/* . The filing of the suit and the writ petition



above stated are not disputed by the prosecution and respondent No.2.

23. Upon considering these two crime numbers of Crime No.242/2025 and Crime No.245/2025, the genesis of occurrence and registration of both crimes are one and the same with regard to formation of the road. The petitioners/accused Nos.1 to 8 have stated that the road was formed on the land of the petitioners/accused Nos.1 to 8 and therefore, the petitioners/accused Nos.1 to 8 have their genuine right to protest the action of the authorities to form the road by encroaching land of the petitioners and have every right to protect their land. The accused named in Crime No.242/2025 in which the son of the complainant is also one among the accused as accused No.2 and other accused were present on the spot. The prosecution has not produced any material as to why all these accused named in Crime No.242/2025 were there on the spot. Their presence on the spot is found to be with ulterior motive. Whereas, the presence of the petitioners/accused Nos.1 to 8 is quite



natural and genuine, as when there is an allegation of encroachment of land, they were present and protested against the formation of the road by encroaching upon the land of the petitioners/accused Nos.1 to 8. Whereas, the presence of the accused in Crime No.242/2025 is found to be with ill-intentional, being unnatural; but the fact remains that petitioner No.2 was admitted to the hospital having sustained a bleeding injury on the head; therefore, there was some altercation on the spot and in that regard, petitioner No.2 had sustained injuries.

24. Hence, upon making an analysis of these two registrations of Crime No.242/2025 and Crime No.245/2025, the accused named in Crime No.242/2025 are found to be aggressors having crossed their limit. Whether the accused named in Crime No.242/2025 are labourers under the contractor for formation of the road or whether they are employees either under the TMC, Gangavati or under the PWD authorities is not found in the charge sheet materials as produced by the Police in Crime



No.245/2025. Therefore, it is revealed from the charge sheet that they are brought to the spot deliberately to push over the petitioners/accused Nos.1 to 8 to dilute the rigorousness of the protection being made by the petitioners/accused Nos.1 to 8 while protecting their property. In this regard, investigation conducted in Crime No.245/2025 is found to be a deliberate and stage-managed investigation and is found to be an unfair investigation.

25. Here, at this stage, it is to be reminded that the submissions made by the counsel appearing on behalf of the petitioners/accused Nos.1 to 8 that upon the complaint lodged and crime registered in Crime No.242/2025 lodged by petitioner No.2 herein, the Police have filed a 'B' final report. Whereas, in Crime No.245/2025 (the present case), the Police have filed a charge sheet. Hence, upon considering the genesis of these two crimes, lodging of complaint and registration of Crime No.245/2025 is found to be a deliberate attempt and lodging a false complaint



against the petitioners/accused Nos.1 to 8 is found to be abuse of process of the Court.

26. Further, the learned counsel appearing on behalf of the petitioners/accused Nos.1 to 8 filed a memo along with documents such as, order of the Assistant Director of Land Records dated 19.02.2026 that the Phodi work conducted on 12.12.2025 was cancelled and an order was passed for re-survey and produced a sketch, which is adjacent to the land of the petitioners/accused Nos.1 to 8. It is stated that the land of the petitioners/accused Nos.1 to 8 is encroached for formation of the road. Further, the photographs produced show that petitioner No.2 had sustained injury on the head, with bleeding from the head and also produced photograph that a JCB machine is on the spot for formation of the road. Hence, the investigation conducted and charge sheet filed is at the convenience of the contractor, who had been allotted the tender work of formation of road. Therefore, upon considering and analyzing the events as found out from the materials on



records, the initiation of crime upon the complaint lodged, registration of Crime No.245/2025 culminating into filing of the charge sheet in this crime is found to be abuse of process of the Court.

27. The principle of law summarized to invoke Section 482 of Cr.P.C. to quash the proceedings by the Hon'ble Supreme Court in the case of **STATE OF HARYANA AND OTHERS VS. BHAJAN LAL AND OTHERS**⁴, at Paragraph No.102, which reads thus:

"102. *In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of*

⁴ 1992 Supp (1) SCC 335



myriad kinds of cases wherein such power should be exercised.

- a. Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
- b. Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
- c. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same don not disclose the commission of any offence and make out a case against the accused.*
- d. Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*
- e. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
- f. Where there is an express legal bar engrafted in any of the provisions of the*



Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, proving efficacious redress for the grievance of the aggrieved party.

- g. Where a criminal proceeding is manifestly attended with male fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

28. Further, the Hon'ble Supreme Court in the case of **PRADEEP KUMAR KESARWANI** (supra) has laid down four steps to conduct whether initiation of criminal proceedings is genuine or not and following are the steps to be considered as per the guidelines issued by the Hon'ble Supreme Court at Paragraph No.20 as follows:

"20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-

- (i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?*
- (ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the*



material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

- (iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?*
- (iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?*

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: Rajiv Thapar v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)]”

29. Therefore, upon applying the principle of law laid down and the guidelines as discussed above and considering the genesis of occurrence of incident, it is because of formation of the road. The petitioners/accused Nos.1 to 8 have alleged that their land was encroached for



formation of the road and they were on the spot and attempted to protect their property and in this regard, an original suit and writ petition are filed and in the writ petition, an interim order was granted.

30. When this being the fact, this Court in the writ petition has passed an interim order not to form the road on the land bearing Sy.No.239/*, then it is upon the authorities to verify and check whether formation of road is on the land bearing Sy.No.239/* or outside the said land, but without verifying this fact, though there is an interim order, they tried to form the road on the land of the petitioners/accused Nos.1 to 8. Hence, in this regard, the petitioners/accused Nos.1 to 8 cannot be found to be aggressors, but the petitioners/accused Nos.1 to 8 are found to be defenders of their property. Whereas, the accused named in Crime No.242/2025 are found to be aggressors and their presence being a deliberate attempt to commit the crime.



31. The complaint lodged by petitioner No.2 in Crime No.242/2025 is found to be genuine one having explained the delay in lodging the complaint because petitioner No.2 was in hospital for treatment. Whereas, there is no such explanation in registration of Crime No.245/2025 as explanation is that there was talk in their community and after taking advice of the elders, a complaint was lodged. Hence, the complaint lodged in Crime No.245/2025 is found to be afterthought and a deliberate attempt as the complaint lodged is a counterblast to Crime No.242/2025. Thus, the investigation in Crime No.245/2025 is found to be an unfair investigation and does not reveal the truth involved in the case; hence, the registration of crime in Crime No.245/2025 and the resultant filing of charge sheet is found to be nothing but abuse of process of the Court.

32. Therefore, the above discussed reasonings are found to be amenable for quashing the proceedings as the test is made as per the guidelines issued by the Hon'ble Supreme Court in the case of **PRADEEP KUMAR**



KESARWANI (supra). Hence, the entire process is found to be abuse of process of the Court initiated against the petitioners/accused Nos.1 to 8. Thus, the petition is liable to be allowed by quashing the proceedings.

33. In the result, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The criminal proceedings initiated against the petitioners/accused Nos.1 to 8 in Gangavati Rural Police Station in Crime No.245/2025 now on the charge sheet being filed and numbered as Spl.SC/ST case No.17/2025 pending before the Additional District and Sessions Judge, Gangavati, filed for the offence punishable under Sections 191(2), 115(2), 189(2), 351(2), 190, 352 of Bharatiya Nyaya Sanhita Act, 2023 and Sections 3(1)(s), 3(1)(r), 3(2)(va) of the



Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, are
hereby quashed.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

SRA
CT: UMD
List No.: 1 SI No.: 1