



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

CRIMINAL PETITION NO. 200650 OF 2026
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. AMBAYYA @ LIMBYA @ LIMBAJI
S/O GANGARAM CHAVAN,
AGE: 50 YEARS, OCC: COOLIE
2. BENYA @ BASSU @ BASAVARAJ @ MADHU
S/O RATNA PAWAR,
AGE: 55 YEARS, OCC: COOLIE,
BOTH OF R/O. KUMNOOR NAYAK THANDA,
TQ. ALAND,
DIST. KALABURAGI.

...PETITIONERS

(BY SRI GANESH NAIK, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH P.S. HUMNABAD,
DIST. BIDAR,
ITS REPRESENTED BY
ADDL. SPP, HIGH COURT OF KARNATAKA,
AT KALABURAGI BENCH-585103

...RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)





THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), PRAYING TO QUASH THE ENTIRE CHARGE SHEET NO.58/2021 DATED 27-03-2021 AND ENTIRE PROCEEDINGS ARISING THERE FROM PENDING ON THE FILE OF THE II ADDL. DISTRICT AND SESSIONS COURT BIDAR SITTING AT BASAVAKALYAN IN SC NO. 5069/2025 (CRIME NO. 562/2022 OF HUMNABAD POLICE STATION, DIST.BIDAR FOR OFFENCE PUNISHABLE U/S 399 AND 402 OF IPC OF IPC AGAINST THE PETITIONER, IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

Heard Sri Ganesh Naik, learned counsel appearing for the petitioner and Sri Jamadar Shahabuddin, learned High Court Government Pleader for the respondent/State.

2. Sri Ganesh Naik vehemently submits that the police after registering FIR on the basis of the complaint filed by Police Sub-Inspector in CB, Humnabad, registered FIR for the offences punishable under Sections 399, 402 of ICP against the petitioners and four others. The petitioners herein are accused Nos.3 and 4.



3. As per complaint averments, on 03.12.2002 during the night hours, the PSI and his sub-ordinates were on night rounds at Humanbad town in police jeep and when they reached near RTO check post at Humnabad, they found a person by name Tanveer standing near RTO check post during mid night and when the PSI enquired said Tanveer, he revealed that he was brought by some persons from Aland in a jeep and dropped him near RTO check post and went towards Kalaburagi. The PSI having suspected about the said persons, took the said Tanveer in his jeep and went towards Kalaburagi and when they reached near Lal-dhari Yerbag Cross at 1.30 a.m. on 04.12.2002, he found about six persons standing by the side of the road by holding Kama-katti and sticks and they had obstructed the road by putting stone across the road and after seeing the police jeep four persons ran away and the PSI apprehended accused Nos.1 and 2.

4. On enquiry they revealed that all said persons were making preparations to commit dacoity and road



robbery. Accordingly, he took accused Nos.1 and 2 in their jeep along with the articles to the police station and registered a case in Crime No.562/2002.

5. On the following day he has conducted spot panchanama and seized the jeep belonging to the accused No.2, stick, kamakatti and other articles by drawing up panchanama in the police station. After investigation, he has laid charge sheet before JMFC Humnabad against accused Nos.1 and 2 as the petitioners and accused Nos.5 and 6 were absconding. Thereafter case was committed to Sessions Court.

6. The Sessions Court after holding trial in S.C.No.75/2006 passed the judgment of acquittal and acquitted the accused Nos.1 and 2 of all charges for the offences punishable under Sections 399 and 402 of IPC. Subsequently, the police found that the petitioners herein were accused in Manthal Police Station Crime No.131/2025 are the same persons required in Crime No.562/2002 who



were on bail in Crime No.131/2025. Subsequently, they were arrested by police on 23.12.2025 and since then they are in judicial custody with reference to Crime No.562/2002.

7. Learned counsel for the petitioners further relied on the judgment of this Court in Crl.P.No.3809/2017 to contend that the police implicated the petitioners in the crime and have filed split up charge sheet against the petitioners only on the voluntary statements of accused Nos.1 and 2 in the original crime number. The accused Nos.1 and 2 were acquitted after full fledged trial, as such, the proceedings against the petitioners be quashed.

8. The Co-ordinate Bench of this Court considering the factual aspects and relying on the judgments of the Hon'ble Supreme Court in the case of ***Central Bureau of Investigation vs. Akhilesh Singh [AIR 2005 SC 268]; Muneer Ahmed Qureshi, Muneer @ Gaun Muneer vs State of Karnataka by Kumaraswamy Layout Police***



[2002(I) KCCR 1] quashed the proceedings filed against the accused in split up charge sheet observing that, the allegations made against the petitioner and other acquitted accused are same, inseparable and indivisible in nature and continuation of the prosecution against the petitioner if ordered, amounts to abuse of process of Court and law, accordingly, quashed the proceedings against the petitioners therein.

9. *Per contra*, learned High Court Government Pleader submits that, the allegations made against the petitioners for the offences punishable under Sections 399 and 402 of IPC, the trial yet to be commenced and the petitioners are required to face the trial as other accused are acquitted after holding full fledged trial. Accordingly, prays to dismiss the petition.

10. However, to the query of this Court whether the allegations made against the petitioners, in split up charge



sheet, before this Court and the accused persons who were acquitted were inseparable or on the same materials?

11. Learned High Court Government Pleader fairly submits that these accused were added in the FIR only on the basis of voluntary statements of accused Nos.1 and 2 and no further materials are forthcoming against the petitioners herein.

12. Having considered the rival submissions, I have gone through the entire materials placed before this Court so also judgment of the Co-ordinate bench of this Court, found that, accused in split up charge sheet standing in parity with other accused who were acquitted on the very same set of accusation and continuation of proceedings against the petitioners in the split up charge sheet would be an abuse of process of Court and law.

13. The observations of the Co-ordinate Bench of this Court in Crl.P.No.3809/2017 *supra* are reflected in para-4 to 9 of the judgment, which reads thus-



"4. The petitioner was arrayed as Accused No.2 in the main case in C.C.No.828/2014. As this petitioner was split up from the main case, a split up charge-sheet has been laid against him in C.C No.681/2016 for the offences under Sections 143, 147, 148, 323, 324, 504 and 506 read with Section 149 of IPC. The other accused persons 1, 3, 4 and 5 were tried by the learned Senior Civil Judge and Addl. Senior Civil Judge and JMFC, Puttur in C.C.No.828/2014 and vide Judgment dated 28th April 2016, the other accused persons who are tried by the learned Magistrate were acquitted for the above said offences.

5. The case of the prosecution is that on 16.02.2014 at about 9.15 p.m., near Galimukha masjid in Nettanige Mudnoor village, Puttur Taluk, all the accused persons including this petitioner having common intention to commit an offence, formed into an unlawful assembly holding deadly weapons in their hands, came in a pick up jeep bearing Registration No.KA-12-8952 and picked up quarrel with C.W.1, i.e., the Respondent No.2 herein and voluntarily assaulted him as well as C.Ws.3 to 5 with knife and iron rods and caused simple injuries to them and also threatened them with dire consequences of killing them and thereby, committing the offences as noted above. The above said accused were tried. The prosecution in order to prove the guilt of the accused, examined six witnesses P.Ws.1 to 6 and Exs.P.1 to P.6 were marked. As could be seen from the Judgment of the trial Court, all the witnesses have turned hostile to the prosecution. The injured eye-witnesses themselves have not supported the case of the prosecution. Even P.W.1 (C.W.1) has not even said that he has lodged any complaint as per Ex.P.1 and he pleaded ignorance so far as the contents of the complaint is concerned. On the above said grounds, the accused were acquitted.

6. In this background, it is worth to refer to a decision of the Apex Court reported in **AIR 2005 SC**



268 in the case of **Central Bureau of Investigation Vs. Akhilesh Singh**, wherein, it was held that:

"Quashing of charge and discharge of the accused when main accused who alleged to have hatched conspiracy and who had motive to kill the deceased were already discharged, that matter had attained finality, the discharge of co-accused by High Court by holding that no purpose would be served in further proceeding with case against co-accused held proper."

7. In another decision reported in **2002(I) KCCR 1** in the case of **Muneer Ahmed Qureshi, Muneer @ Gaun Muneer V/s. State of Karnataka by Kumaraswamy Layout Police**, wherein this Court has held that:

"Entire case of the prosecution as against six accused is practically inseparable and individual one and especially when the Judgement of acquittal is passed, when P.W.1 denies the entire incident of the role of the accused. This reasoning of acquittal would also definitely enure to the petitioner. Even if the petitioner is tried there cannot be any other material other than what is already produced and considered by Trial Court. In such circumstances it will be an exercise in futility to make the petitioner to undergo the ordeal of crime, and then to be acquitted."

Holding that the proceeding against the accused person who was absconding and subsequently against whom a split up charge sheet was filed was quashed."



8. In view of the above said decisions and also factual aspects of this case, the allegations made against the petitioner and other acquitted accused are all same and they are inseparable and indivisible in nature. Under the above said circumstances, the continuation of the prosecution against this petitioner if ordered, amounts to abuse of process of Court and law. Therefore, the said proceedings deserve to be quashed.

9. Hence, the following order:

The Petition is allowed. The entire proceedings in C.C.No.681/2016 on the file of the Addl. Senior Civil Judge and J.M.F.C, Puttur, D.K against this petitioner is hereby quashed."

14. Having considered the submissions that no other materials placed except the voluntary statement of accused Nos.1 and 2 to implicate the present petitioners, this Court finds force in the submission of the learned counsel for the petitioners that, if the prosecution against the petitioners continued, the same would result in abuse of process of law besides waste of valuable public as well as judicious time. Accordingly, the proceedings required to be obliterated.

15. In the facts and circumstances of the case, I proceed to pass the following:



ORDER

1. The petition is ***allowed.***
2. The proceedings in S.C.No.5069/2025 (arising out of Crime No.562/2002 of Humnabad Police Station, Dist.Bidar), for the offences punishable under Sections 399 and 402 of IPC, pending on the file of II-Addl. Dist. & Sessions Court, Bidar, stands obliterated.
3. The accused who are in judicial custody be set at liberty if they are not required in any other case.
4. The operative portion of this order shall be transmitted to the jail authorities to take appropriate action to release the petitioners, if they are not required in any other case.

**Sd/-
(T.M.NADAF)
JUDGE**

SWK,SDU
LIST NO.: 1 SL NO.: 22