IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 14TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 101843 OF 2023

BETWEEN:

ANAND DODDAMANI S/O BHEEMANAGOUDA DODDAMANI,
AGE. 47 YEARS, OCC. BUSIENSS, AT JALAWAGALI,
TQ. KOPPAL, NOW R/O. AT BEHIND CHETHANA COLLEGE,
SHIRUR PARK, HUBBALLI, DIST. DHARWAD-580008.

... PETITIONER

(BY SRI. T. HANUMAREDDY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   BY SHO, MUNDARGI POLICE STATION,
   MUNDARAGI, DIST. GADAG,
   R/BY SPP, HIGH COURT OF KARNATAKA,
   AT DHARWAD, DHARWAD-583001.

2. P. MUTTAPPA
   AGE. 39 YEARS, OCC. THE SENIOR GEOLOGIST,
   OFFICE OF THE DEPARTMENT OF MINES & GEOLOGY,
   GADAG, R/BY SPP. HIGH COURT OF KARNATKA,
   AT DHARWAD.

... RESPONDENTS

(BY SRI. V.S. KALASURMATH, HCGP FOR R1-R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO QUASH ENTIRE PROCEEDINGS AND CHARGE SHEET IN CC NO.85/209 FOR OFFENCE U/SEC. 427 AND 431 OF THE IPC ON THE FILE OF THE CIVIL JUDGE AND JMFC AT MUNDARAGI IN SO FAR PETITIONER/ ACCUSED NO.2 IS CONCERNED.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

VISHAL NINGAPPA PATTIHAL

Digitally signed by VISHAL NINGAPPA PATTIHAL
Date: 2023.09.20 11:43:42 +0530

ORDER

1. The petitioner is before this Court calling in question the proceedings in CC.No.85/2019 registered for the offences punishable under Sections 427 and 431 of IPC.

2. During the pendency of the petition, the petitioner has remitted the fine amount and seeking to compound the offences punishable as aforequoted.

3. The application reads as follows:

> ***Application U/s 320 R/w 482 of CR.P.C***
>
> *The petitioners humbly submit as follows:*
>
> *1. That the petitioner herein seeking quashing of the Criminal Case No.85/2019 on the file of the learned Civil Judge and JMFC at Mundargi for offence U/S 427 and 431 of IPC as the no case is made out against the petitioner, since offences alleged against the petitioner is cognizable offences and in such situation the Respondent.No.2/Complainant ought to have filed the complaint immediately to the police*

and the SHO /IO ought to have conducted the raid in view of the Judgment of the Hon'ble Apex Court in Laitha Kumari Case.

2. It is submitted that the petitioner never involved in the commission of the offence and the entire prosecution case is created at the behest of the complainant party as the present complaint filed by the complainant is the based on the political motive and averments made in the main petition memo may be read as part and parcel of this application to avoid repetition. It is submitted that though the IO has filed the charge sheet against the petitioner on the complaint of the respondent No.2, however on the notice issued by the respondent No.2, the petitioner has deposited the fine amount and later the respondent No.2 has allowed the petitioner to continue the sand mining, hence the present application is filed the compound the offence and the respondent No.2 is ready to compound the offences, hence the application.

3. It is submitted if the above application is not allowed the petitioner would be put untold loss and hardship as on the other side no hardship will be caused.

Prayer

Wherefore it is prayed that this Hon'ble court be pleased to permit the petitioner and the respondent No.2 to compound the offence in CC.No.85/2019 for offence U/S 427 and 431 of the IPC on the file of the learned Civil Judge and JMFC at Mundaragi in so far petitioner/ accused No.2 is concerned in the interest of justice and equity.

Dharwad
07/08/2023

Advocate for the Petitioner
(T.Hanumareddy)

4. In the light of the offence being punishable under Section 427 and 431 of IPC, I deem it appropriate to accept the application, permit compounding of the offences and qua the proceedings against the petitioner.

5. For the aforesaid reasons, the following:

ORDER

i) Criminal Petition is allowed.

ii) The proceedings in CC.No.85/2019 pending on the file of the Civil Judge and JMFC, Mundaragi stands quashed.

Sd/-
JUDGE

vb
ct:bck
List No.: 1 Sl No.: 132