

**IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT DHARWAD**

**DATED THIS THE 31<sup>ST</sup> DAY OF AUGUST, 2012**

**BEFORE**

**THE HON'BLE MR. JUSTICE JAWAD RAHIM**

**CRIMINAL PETITION NO. 10835/2012**

**BETWEEN:**

NOORAHMAD D SIKANDAR  
S/O DAVALASAB SIKANDAR  
R/O HULYAL NOW AT  
JAMAKHANDI KSRTC DEPOT  
BAGALKOT

... PETITIONER

(By Sri PRAVEEN P TARIKAR &  
SRI PRASHANT S.KADADEVAR ADVs.)

**AND:**

1. STATE OF KARNATAKA  
BY PUBLIC PROSECUTOR
2. RAKESH S/O. SUSHILAWWA MADAR,  
AGE: 27 YEARS, R/O. GALAGALI,  
DIST: BAGALKOT.

... RESPONDENT

(By Sri.V.M.BANAKAR, ASPP)

THIS CRIMINAL PETITION IS FILED U/S 482 OF  
CR.P.C. SEEKING TO QUASH THE ENTIRE PROCEEDINGS  
IN C.C.NO.268/2011 ON THE FILE OF THE CIVIL JUDGE &  
JMFC COURT, BILAGI, AGAINST THE PETITIONER IS  
CONCERNED IN THE INTEREST OF JUSTICE AND EQUITY.

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

**O R D E R**

The petition is filed under Section 482 Cr.P.C. by the petitioner who is ranked as an accused in C.C. No.268/11 for the offence punishable under Sections 279 & 337 I.P.C.

2. The petition is posted for admission.

Learned counsel would submit that the petitioner has been appointed by the Road Transport Corporation of Karnataka as a driver and is in probationary period. He submits that the proceedings in C.C. No.268/2011 on the file of the JMFC, Bilagi, against the petitioner for offence punishable under Sections 279 and 337 of IPC is not sustainable and hence, these proceedings should be quashed.

3. Heard the learned counsel and perused the records made available. It reveals:

One Rakesh Madar lodged a report on 9.45 a.m. on 12.06.2011 reporting that he along with Ashok Poojari, his uncle's son, were proceeding on Galgali Road. They were riding a motor cycle behind the KSRTC bus No.KA-01/F-7696. When they reached the road, the offending bus which was proceeding towards Jamakhandi from Galagali, dashed against a woman Shivawwa wife of Shidarayi madar, causing injuries. Undoubtedly, the complaint was registered against the driver of KSRTC bus No.KA.01/F-7696. Later it was found, petitioner was driving the bus. The ground to question is there are no eye-witnesses to the incident. The petitioner cannot be proceeded against. Alternatively, the petitioner's counsel submits that the proceedings will come in the way of petitioner's service as he is in probationary period.

4. None of the grounds urged in the petition are acceptable or tenable. The fact that the

accident has occurred is spoken to by the complainant. The fact that the woman has suffered is brought on record through medical evidence. It is immaterial whether the injuries are simple or grievous in nature because, depending upon the nature of injuries, appropriate charge will be framed.

5. The case is in the initial stage and the Magistrate would follow the procedure prescribed and hear the accused regarding charge. Without availing that benefit, the petitioner seeks quashing of the proceedings. No ground worth is urged in the petition to show that the action is impermissible in law or the trial court has exceeded jurisdiction in entertaining the complaint. In fact, the main ground is that this is a misuse of process of law, which is only worth rejection. On the other hand, the fact that the complainant wants to jettison the proceedings

against him, would show that this petition is filed undoubtedly is to misuse of process of law. Hence, petition is **dismissed**.

**Sd/-  
JUDGE**

RKK/-