



CNR: KAHC020190982022

NC: 2026:KHC-D:10615
CRL.P No. 104228 of 2022

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.104228 OF 2022

(482(Cr.PC)/528(BNSS))

BETWEEN:

SMT. NAGAREKHA W/O. NARAYANACHANDRA HEBASUR,
AGE. 45 YEARS, OCC. DOCTOR,
R/O. DESHAPANDE NAGAR, HUBBALLI,
HUBBALLI DHARWAD CITY-580001.

...PETITIONER

(BY SRI. M.L. VANTI, ADVOCATE FOR
SRI. V.M. SHEELVANT, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY PSI, KALAGHATAGI POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD BENCH.
2. RUDRAYYA S/O. SIDDALINGAYYA SALIMATH,
AGE. 60 YEARS, OCC. FARMER,
R/O. RAMANALA VILLAGE,
KALAGHATAGI, DHARWAD-580001.

...RESPONDENTS

(BY SRI. PRAVEENA Y.DEVAREDDIYAVARA, HCGP FOR R1;
NOTICE TO R2 IS SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF
CR.P.C., PRAYING TO QUASH THE COMPLAINT AND FIR REGISTERED
AGAINST THE PETITIONER/ACCUSED NO.1, CC NO.777/2022 FOR
THE OFFENCES PUNISHABLE UNDER SECTION 304(A) OF IPC,
PENDING ON THE FILE OF CIVIL JUDGE AND JMFC KALAGHATAGI
AND ETC.,.





CNR: KAHC020190982022

NC: 2026:KHC-D:10615
CRL.P No. 104228 of 2022

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed to quash the proceedings in C.C. No.777/2022 before JMFC, Kalaghatagi for the offence under Section 304A of Indian Penal Code, 1860. The petitioner is accused No.1.

2. Heard the learned counsel appearing for the petitioner and the learned HCGP for respondent No.1.

3. The complaint is lodged on 15.05.2021 in respect of an incident said to have taken place on the same day. The complainant states that around 8.50 in the morning one Sivappa Basappa Adhaganchi came and informed complainant that complainant's son has died of electrocution as the electric wire from transformer has fallen on the fence of farm where the complainant's son was working as a coolie.



CNR: KAHC020190982022

4. The complainant states that information was sent to the office of the HESCOM and the officials came and inspected the site and the fallen electric line was disconnected.

5. It is alleged that the incident has occurred on account of negligence of Narayan Hepsoor, Chandragowda Patil and R. K. Sayed, who had not properly maintained the transformer. Allegation is also made against the Section Officer Chandrasekhar Kalimath. The police have filed the charge sheet. It is relevant to notice that in the charge sheet against Narayan Hepsoor is not filed against accused No.1 who is the wife of Narayan Hepsoor is charge sheeted on the premise that the property belonged to accused No.1.

6. Learned counsel for the petitioner would submit that, there is no allegation in the complaint that accused No.1 had taken electricity connection to the bore well and said allegation is made against remaining two accused.



CNR: KAHC020190982022

NC: 2026:KHC-D:10615
CRL.P No. 104228 of 2022

7. It is the contention of the learned counsel for the petitioner that, there is no allegation that electricity connection is illegal insofar as accused No.1 is concerned.

8. It is the further submission that transformer was installed in the land of accused No.1 and the electric wire has fallen down on account of heavy rain and the wind on 14.05.2021 and as a result the electric wire fell on the complainant's son who allegedly was working in the farm, and died of electrocution. Thus, it is the contention that there is no negligence on the part of the petitioner and there cannot be any charge sheet against the petitioner.

9. Learned HCGP would oppose the petition on the premise that the contentions raised in the petition require trial and those contentions cannot be considered in the present petition under Section 482 of the Code of Criminal Procedure, 1973.

10. Learned HCGP has pointed out the contents of the charge sheet wherein it is stated in the letter dated



16.02.2022 addressed by the Assistant Engineer. It is stated that in Sy.No.39/4 when the 25 Kilo Watt transformer, is installed and it is alleged 6 months ago Shivappa Bamigatti, resident of Ramnal connected a wire to the transformer and it was disconnected by the HESCOM officials and the owner was instructed not to tie the wire to the transformer. Now the allegation is despite such instructions in writing the wire is tied to the transformer.

11. The Court has considered the contentions raised.

12. In the complaint, it is stated that the electricity connection to the bore well was taken by Chandra Gowda Patil and R. K. Sayed, who are accused No.2 and 3. There is no allegation that the petitioner has taken any electricity connection to the bore well. There is no allegation that the petitioner has taken illegal electricity connection. That being the position, in case the electric wire passing through the land of the accused No.1, the owner of the



CNR: KAHC020190982022

NC: 2026:KHC-D:10615
CRL.P No. 104228 of 2022

property cannot be accused unless an *overt act* on the part of the petitioner is established or pleaded. No such allegations are made.

13. That being the position, the Court is of the view that the charge sheet materials do not warrant trial against accused No.1/petitioner. Since, the wire is said to have been tied to the transformer by Chandra Gowda, the allegation against Chandra Gowda cannot be attributed against the petitioner.

14. Hence the following:

ORDER

- (i) Petition is ***allowed.***
- (ii) Impugned proceeding is quashed.
- (iii) It is made clear that the Court has taken this view to quash proceeding against accused No.1 as there is no allegation in the complaint that the petitioner/accused No.1 has taken electricity connection to the bore well. These are the allegations against remaining two accused.



**NC: 2026:KHC-D:10615
CRL.P No. 104228 of 2022**

CNR: KAHC020190982022

(iv) Hence observations made in this order are applicable only against the accused No.1.

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

BRN
CT: UMD
List No.: 2 Sl No.: 12