

IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT DHARWAD  
DATED THIS THE 06<sup>TH</sup> DAY OF AUGUST 2013  
BEFORE  
THE HON'BLE MR. JUSTICE N. ANANDA  
CRIMINAL PETITION No.10204/2012

BETWEEN:

1. NARESH S/O. NARAYAN RAO  
AGE: 30 YEARS, OCC: ASSISTANT EXECUTIVE  
ENGINEER, NOW AT: OFFICE OF  
SUPERITENDENT ENGINEER,  
K.P.T.C.L. MUNIRABAD,  
TQ & DIST: KOPPAL
2. S.K. CHIDAMBAR, S/O. HANMUMANTHA RAO S.K.  
AGE: 32 YTS, OCC: ASSISTANT ENGINEER,  
NOW AT MAJOR WORKS SUB-DIVISIONAL,  
K.P.T.C.L, DAM ROAD, HOSPET,  
TQ: HOSPET, ... PETITIONERS

(By Sri.B SHARANABASAWA & Sri.A B PATIL, ADVS.)

AND

1. THE STATE OF KARNATAKA BY  
ITS KUSHTGI P.S. REPT. BY S.P.P.  
HIGH COURT CIRCUIT BENCH BUILDING,  
DHARWAD-580 011.
2. YAMANAPPA S/O. BHARAMAPPA CHURI  
AGE: 44 YRS, OCC: FARMER,  
R/O. NEAR KATTI DURUGAMMANA,  
KUSHTAGI, DIST: KOPAL. ... RESPONDENTS

(By Sri.V.M.BANAKAR, ADDL. SPP FOR R1; R2-SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C. SEEKING TO QUASH ENTIRE CRIMINAL PROCEEDINGS IN C.C.NO.46/2010 (CRIME NO.145/2009 OF KUSHTAGI P.S.) REGISTERED FOR OFFENCES P/U/S 338 R/W 34 IPC, PENDING ON THE FILE OF THE JMFC COURT, KUSHTAGI AND ETC.

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

**ORDER**

Heard.

2. As per investigation records, first petitioner being the Assistant Executive Engineer working in the office of Superintendent Engineer, KPTCL at Munirabad and second petitioner being the Assistant Engineer working at Major Works Sub-Division, KPTCL, Hospet, had not taken care to shift 11 KV line which was drawn over the school building.

3. The construction of additional room was taken up by the school authorities. The petitioner came in contact with 11 KV line, which was drawn over the school building and suffered injuries.

4. The investigation records would prima-facie establish that petitioners were negligent in discharging their

duties. In the circumstances, there are no grounds to quash the final report in C.C.No.46/2010.

5. Therefore, the petition is dismissed. However, it is made clear that, the trial court while deciding the case on merits shall not be influenced by the observations made in this order.

SD/-  
JUDGE

Np/-