



HC-KAR

NC: 2025:KHC:26273  
WP No. 34842 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 34842 OF 2024 (GM-RES)

**BETWEEN:**

SRI. LOKESH AMBEKALLU  
S/O SRIPATHI GOWDA,  
AGED 57 YEARS,  
BJP OFFICE SECRETARY,  
JAGANATHA BHAVAN, NO.48,  
TEMPLE STREET, 11<sup>TH</sup> CROSS,  
MALLESHWARAM  
BENGALURU-560 003.

...PETITIONER

(BY SRI. VINOD KUMAR M., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY  
KAMAKSHI PALYA POLICE STATION  
REPRESENTED BY STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING, AMBEDKAR VEEDHI,  
BANGALORE-560001.

2. B.K. DINESH KUMAR  
S/O B.Y. KALAYA,  
AGED ABOUT 55 YEARS,  
B.B.M.P., ASSISTANT TEAM LEADER  
FST-8, RAJARAJESHWARINAGARA  
VIDHANA SABHA KSHETRA  
BENGALURU-560098.

...RESPONDENTS

(BY SRI. NAGESHWARAPPA K., HIGH COURT GOVERNMENT PLEADER  
FOR RESPONDENT NO.1;

NOTICE SERVED ON RESPONDENT NO.2 AND UNREPRESENTED)





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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CC NO.23898/2023 (FIR IN CRIME NO.178/2023 OF KAMAKSHIPALYA POLICE STATION) FOR THE OFFENCE PUNISHABLE UNDER SECTION 3 OF KARNATAKA OPEN PLACES (PREVENTION OF DISFIGUREMENT) ACT, 1981 PENDING BEFORE THE XXXIX ACMM, BANGALORE, PRODUCED AT ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

### **ORAL ORDER**

In this petition, petitioner seeks the following reliefs:

- a) *Issuance of a writ of certiorari quashing the entire proceedings in CC No.23898/2023 (FIR in Crime No.178/2023 of Kamakshipalya Police station) for the offense punishable under Section 3 of Karnataka Open Places (Prevention of Disfigurement) Act, 1981 pending before the XXXIX ACMM, Bengaluru, produced at Annexure - C, in the interest of justice and equity;*
- b) *Pass such other order/s or directions as this Hon'ble Court deems fit to grant in the circumstance of the case, in the interest of justice and equity.*

2. Heard learned counsel for the petitioner, learned High Court Government Pleader for respondent No.1 and perused the material on record. Though the notice of this petition has been



served on the respondent No.2, he has chosen to remain unrepresented. Hence, service of notice is held sufficient.

3. A perusal of the material on record comprising of the complaint, charge-sheet, FIR, statement, documents etc., is sufficient to come to the conclusion that the offences under Section 3 of the Karnataka Open Places (Prevention Of Disfigurement) Act, 1981 (for short “the Act of 1981”) have not been made out against the petitioner, especially when the alleged incident took place, the petitioner was at the spot for the purpose of organizing a rally of the Hon’ble Prime Minister for which requisite permission to conduct the rally was obtained by the petitioner. Further, there is no material to specifically indicate that the petitioner was actually involved in placing the hoardings, buntings and tying of the flags at public places and merely because the petitioner sought permission for holding the rally, the petitioner cannot be roped into the alleged offence.

4. Under these circumstances, having regard to the fact that necessary ingredients being absent for commission of the aforesaid offences by the petitioner, the FIR and other materials do no disclose a cognizable offence and continuation of the impugned



criminal proceedings would tantamount to abuse of process of law and the same deserves to be quashed.

5. In the result, I pass the following:

**ORDER**

- (i) The petition is **allowed**.
- (ii) The impugned criminal proceedings in C.C.No. 23898/2023 (arising out of Crime No.178/2023 registered by respondent No.1-Police) pending on the file of the XXXIX ACMM, Bengaluru, in so far as the petitioner is concerned, are hereby quashed.

**SD/-  
(S.R.KRISHNA KUMAR)  
JUDGE**

PMR  
List No.: 3 SI No.: 160