



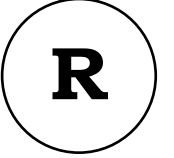
IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 13718 OF 2025



BETWEEN:

DIVYAJYOTHI SCHOOL MANAGEMENT,
REP. BY ITS HEAD MASTER, A JIBY ANTHONY,
AGED ABOUT 50 YEARS,
O/AT- DIVYA JYOTHI SCHOOL,
GOLLARADODDI VILLAGE, KOPPA HOBALI,
MADDURU TALUKU,
MANDYA, KARNATAKA-571 425.

...PETITIONER

(BY SRI. NITIN A M, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY KOPPA POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH OF KARNATAKA,
BANGALORE – 560001.
2. SMT. SHILPA CHANDRA SHEKAR,
AGED ABOUT 34 YEARS,
R/A JOGIGOWDA BADAVANE TOWN,
KOPPA HOBALI, MADDUR TALUK, MANDYA.

...RESPONDENTS

(BY SMT. WAHEEDA M.M, HCGP FOR R-1;
SRI. D.A. SHIVAKUMAR, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) TO
QUASH THE CRIME/FIR NO.94/2025 AS FOR THE OFFENCES





UNDER SECTION 125(a) BNS FILED BY THE RESPONDENT NO.2 BEFORE THE KOPPA P.S., MANDYA DATED 05.09.2025, WHICH IS BEFORE THE ADDL. CIVIL JUDGE (JR. DN) & JMFC COURT, MADDUR, MANDYA DIST.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner-Management of the Divyajyothi School is before the Court calling in question the registration of a crime in Crime No.94/2025 registered for the offence punishable under Section 125(a) of the BNS, 2023, registered on 05.09.2025.

2. Heard Sri.Nitin A.M, learned counsel appearing for the petitioner, Smt.Waheeda M.M, learned HCGP appearing for respondent No.1, Sri.D.A.Shivakumar, learned counsel appearing for respondent No.2 and have perused the material on record.



3. Facts in brief, germane, are as follows:

3.1. The son of the second respondent-complainant, a child studying in the 4th standard in the petitioner-school, was travelling home in School Bus No.5 on 01.08.2025 along with several other children. During the journey, some children are alleged to have carried and sprayed coloured confetti/sparklers inside the bus, one such spray having entered the eyes of the complainant's child. **What may have appeared, at first blush, to be a childish mischief or a fleeting accident, allegedly culminated in a calamity of lifelong consequence: the child lost vision in one eye and suffered disability assessed at 40% to the whole body.**

3.2. The complaint, lodged on 05.09.2025, alleges that this tragedy was not merely the result of an isolated act of another child, but was occasioned by the negligence of the school management in failing to ensure adequate supervision inside the school bus, in failing to provide an attendant, and in failing to ensure that the CCTV camera installed in the bus was functional. The registration of the crime has brought the petitioner before this Court. A Co-ordinate Bench, by order



dated 27.10.2025, stayed further investigation against the petitioner-school, and the said interim order continues to operate.

SUBMISSIONS:

PETITIONER:

4. Learned counsel Sri.Nitin M, appearing for the petitioner, submits that all the necessary precautions had been taken by presence of an attender in the bus, the installation of a CCTV and what other steps had to be taken, the school is not aware and the unfortunate incident though has happened where the child has lost his eye, the management cannot be hauled for the act of another child or act that has happened inside a school bus after the hours of the school, is his submission. He would seek quashment of the proceedings.

STATE:

5. Contrariwise, the learned HCGP would take this Court through the papers of investigation to demonstrate that the CCTV though was installed, was not functioning. The



attender was not present and therefore, these are matters which have to be investigated into, more so in the light of the fact of a child losing the eye.

COMPLAINANT:

6. Learned counsel appearing for the complainant would submit that the responsibility of the school does not begin and end within the four walls of the classroom. It travels with the child from the time the child is received into the custody of the school until the child is safely restored to the hands of the parent. The school bus is not a detached island beyond institutional responsibility; it is an extension of the school itself. He would further submit that if investigation itself is interdicted at this stage, not only would criminal accountability be foreclosed, but even the complainant's pursuit of consequential remedies, including compensation, would be seriously prejudiced.

7. I have given my anxious consideration to the submissions made by the respective learned counsel.



CONSIDERATION:

8. The facts narrated hereinbefore are, in their broad contours, not in serious dispute. The incident occurred on 01.08.2025 in School Bus No.5 belonging to the petitioner-school. Several children were travelling in the bus. It is alleged that two or three children had carried coloured sparklers/confetti and sprayed the same inside the bus, which entered the eyes of the complainant's son. The child, on being dropped near his residence, came running and crying of burning sensation in his eyes. **The mother, initially unaware of the gravity of the injury, later took the child for medical treatment, only to be told that the injury had caused irreversible damage. The allegation, therefore, is not of a transient hurt; it is of a childhood permanently scarred.**

9. The treatment that the child undertook resulted in rendering a disability certificate. The disability certificate reads as follows:







Department of Empowerment of Persons with Disabilities,
Ministry of Social Justice and Empowerment, Government of India

Disability Certificate

**Taluka General Hospital Hangal
Hangal, Mini Vidhana Soudha Road
Haveri, Karnataka, 581104**

Certificate/UDID No. KA5490220150008453

This is to certify that I/We have carefully examined **Rohith Kumar C** Son of **Chandrashekhhar Illiger**, Date of Birth **17/09/2015**, Gender **Male**, Registration No. **2954/40000/0260/10003068**, Resident of **C/o Chandrashekhhar Illiger, Kelavarakoppa Village, Akkialuru Hobli, Kelavarakoppa, Hanagal Taluk, Hangal, Haveri, Karnataka - 581120** whose photograph is affixed above, and I am/we are satisfied that:

(A) **He** is a case of : **Blindness.**

(B) Name of affected body part: **Both Eye.**

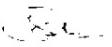
(C) The diagnosis in his case is **Right eye chronic RD left eye myopia .**

(D) **He** has **40%** (in figure) **forty** percent(in words) disability and the nature of certificate is **Permanent** as per the guidelines for the purpose of assessing the extent of specified disability in a person included under the Rights of Persons with Disabilities Act, 2016 notified by Government of India vide **S.O.1338(E)** dated **12/03/2024**.

Date of Issue: 27/01/2026



Signature / Thumb impression of the Person with Disability:



K.P.B.S.

Taluka General Hospital Hangal
Hangal, Mini Vidhana Soudha Road
Haveri, Karnataka, 581104

Signature of notified Medical Authority Members:





This Card/Certificate is meant to certify the disability of the person and is not an instrument for ID/Address Proof for any purpose.

A unique disability card is rendered depicting the child to have permanent disability. The card is as follows:



10. Based upon the said incident and the result of the child becoming permanently disabled to the tune of 40% to the whole body, a complaint comes to be registered alleging gross negligence on the part of the management of the school. I deem it appropriate to notice the complaint registered on 05.09.2025. The complaint reads as follows:



HC-KAR

NC: 2026:KHC:31211
CRL.P No. 13718 of 2025

"ರವರಿಗೆ,

ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ರವರು,

ಕೊಪ್ಪ ಪೊಲೀಸ್ ಠಾಣೆ.

ಕೊಪ್ಪ, ಮದ್ದೂರು ತಾಲ್ಲೂಕು

ಯಿಂದ

ಶಿಲ್ಪಾ ಚಂದ್ರಶೇಖರ್ ಈಳಿಗೇರ್ ಕೋಂ. ಚಂದ್ರಶೇಖರ್

34 ವರ್ಷ, ಈಡಿಗ ಜನಾಂಗ, ಗೃಹಿಣಿ, ಹಾಲಿ ವಾಸ,

ಜೋಗಿಗೌಡ ಬಡಾವಣೆ ಕೊಪ್ಪ ಟೌನ್ ಮತ್ತು ಹೋಬಳಿ

ಮದ್ದೂರು ತಾಲ್ಲೂಕು, ಮಂಡ್ಯ ಜಿಲ್ಲೆ ಮೊ ನಂ. 9901814323

ಸ್ವಂತ ವಿಳಾಸ:-ಕೆಲವರಕೊಪ್ಪ ಗ್ರಾಮ ಮತ್ತು ಅಂಚೆ

ಅಕ್ಕಿಹಾಲುರು ಹೋಬಳಿ ಹಾನಗಲ್ ತಾಲ್ಲೂಕು

ಹಾವೇರಿ ಜಿಲ್ಲೆ

ಮಾನ್ಯರೇ,

ವಿಷಯ:-ದಿವ್ಯಜ್ಯೋತಿ ಆಂಗ್ಲ ಮಾಧ್ಯಮ ಶಾಲೆ ಗೊಲ್ಲರದೊಡ್ಡಿ, ಕೊಪ್ಪ ಹೋಬಳಿ, ಮದ್ದೂರು ತಾಲ್ಲೂಕು ಈ ಶಾಲೆಯ ಆಡಳಿತ ಮಂಡಳಿಯ ಮುಖ್ಯಸ್ಥರ ಬೇಜವಾಬ್ದಾರಿತನದ ಬಗ್ಗೆ ದೂರು.

ಈ ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ. ಈಗ್ಗೆ ಸುಮಾರು ಸುಮಾರು 13 ವರ್ಷಗಳಿಂದ ನಾನು ಮತ್ತು ನನ್ನ ಕುಟುಂಬ ಕೊಪ್ಪ ಟೌನಿಗೆ ಬಂದು ಇಲ್ಲಿ ವಾಸವಾಗಿದ್ದುಕೊಂಡು ಜೀವನ ನಡೆಸುತ್ತಾ ಇದ್ದೇವೆ. ನನಗೆ ಇಬ್ಬರು ಗಂಡು ಮಕ್ಕಳಿದ್ದು 1ನೇ ರೋಹಿತ್ ಕುಮಾರ್ ಸಿ.ಐ ಆಗಿರುತ್ತಾರೆ. 2ನೇ ಮಗನಾದ ಕಾರ್ತಿಕ್ ಕಲ್ಯಾಣ್ ಸಿ.ಐ ಆಗಿರುತ್ತಾರೆ. ಇಬ್ಬರನ್ನು ಗೊಲ್ಲರದೊಡ್ಡಿ ಗ್ರಾಮದಲ್ಲಿರುವ ದಿವ್ಯ ಜ್ಯೋತಿ ಇಂಗ್ಲೀಷ್ ಮೀಡಿಯಮ್ ಶಾಲೆಯಲ್ಲಿ ಓದುತ್ತಿರುತ್ತಾರೆ. ದಿನನಿತ್ಯ ನನ್ನ ಇಬ್ಬರೂ ಮಕ್ಕಳು ಶಾಲೆಯ ಬಸ್ಸಿನ ನಂಬರ್ 5 ರಲ್ಲಿ ಶಾಲೆಗೆ ಹೋಗಿ ಬಂದು ಮಾಡುತ್ತಿರುತ್ತಾರೆ. ಈಗೀರುವಾಗ ದಿನಾಂಕ 01-08-2025 ರ ಶುಕ್ರವಾರ ಮನೆಯನ್ನು ಬಿಟ್ಟು ಶಾಲೆಗೆ ಕಳಿಸಿದ್ದು ನಂತರ



ಶಾಲೆಯನ್ನು ಬಿಟ್ಟು ವಾಪಸ್ಸು ಮನೆಗೆ ಬರುವಾಗ ಬಸ್ಸಿನ ಬಳಿ ನಾನು ಮಕ್ಕಳನ್ನು ಇಳಿಸಿಕೊಳ್ಳಲು ಸುಮಾರು ಸಂಜೆ ಸಮಯ 04-20 ಹೋದಾಗ ಅಲ್ಲಿ ನನ್ನ ಮಗನು ಕಣ್ಣು ಉರಿ ಎಂದು ಬ್ಯಾಗನ್ನು ಅಲ್ಲೆ ಬಿಸಾಕಿ ಓಡಿ ಹೋದನು. ನಾನು ಮನೆಗೆ ಬಂದು ನನ್ನ ಮಗನನ್ನು ಕೇಳಲಾಗಿ ಬಸ್ಸಿನಲ್ಲಿ ಮನೆಗೆ ಬರುವಾಗ ಬಸ್ಸಿನಲ್ಲಿ ಇದ್ದ ಮಕ್ಕಳು ಯಾರೋ ಬಣ್ಣದ ಮಿಂಚನ್ನು ಎರಚಿದರು. ಎಂದು ನನಗೆ ಹೇಳಿದನು. ನಾವುಗಳು ಕಣ್ಣಿನಲ್ಲಿ ಸೇರಿರುವ ಮಿಂಚು ಹೊರಬಂದರೆ ಸರಿಹೋಗಬಹುದೆಂದು ಭಾವಿಸಿ ಯಾವುದೇ ಆಸ್ಪತ್ರೆಗೆ ತೋರಿಸಿರುವುದಿಲ್ಲ.

ನಂತರ ದಿನಾಂಕ 02-08-2025 ರಂದು ನಾನು ಮತ್ತು ನಮ್ಮ ಯಜಮಾನರಾದ ಚಂದ್ರಶೇಖರ್ ರವರು ನನ್ನ ಮಗನನ್ನು ಕಾರಿನಲ್ಲಿ ಮಂಡ್ಯದಲ್ಲಿರುವ ತ್ರಿನೇತ್ರ ಕಣ್ಣಿನ ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋದೆವು. ಅಲ್ಲಿನ ವೈದ್ಯರು ಚಿಕಿತ್ಸೆಯನ್ನು ನೀಡಿ ಹೆಚ್ಚಿನ ಚಿಕಿತ್ಸೆಗಾಗಿ ನಾರಾಯಣ ನೇತ್ರಾಲಯ ಬೆಂಗಳೂರಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಲು ಸೂಚಿಸಿದರು. ನಂತರ ನಾರಾಯಣ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ದಿನಾಂಕ 03-08-2025 ರಿಂದ 05-08-2025 ರವರೆಗೆ ನಾರಾಯಣ ನೇತ್ರಾಲಯದಲ್ಲಿ ಚಿಕಿತ್ಸೆಯನ್ನು ಕೊಡಿಸಿದೆವು. ನಂತರ ವೈದ್ಯರು ನನ್ನ ಮಗನಿಗೆ ಮೆದುಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಇನ್ಸೆಕ್ಷನ್ ಆಗಿದೆ ಮಕ್ಕಳ ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಲು ಸೂಚಿಸಿದ ಮೇರೆಗೆ ಇನ್ನೂ ಹೆಚ್ಚಿನ ಚಿಕಿತ್ಸೆಗೆಂದು ರಂಗದೊರೈ ಮೆಮೋರಿಯಲ್ ಆಸ್ಪತ್ರೆ ಭನಶಂಕರಿಗೆ ಕರೆದುಕೊಂಡು ಹೋದೆವು. ನಂತರ ಅಲ್ಲಿಂದ ಮತ್ತೆ ದಿನಾಂಕ 09-08-2025 ಖುಂಧು ಮತ್ತೆ ನಾರಾಯಣ ನೇತ್ರಾಲಯ ಆಸ್ಪತ್ರೆಗೆ ಬಂದು ಚಿಕಿತ್ಸೆಯನ್ನು ಕೊಡಿಸುತ್ತಿದ್ದೇವು. ನನ್ನ ಮಗನನ್ನು ಪರೀಕ್ಷಿಸಿದ ವೈದ್ಯರು ನನ್ನ ಮಗನಿಗೆ ದೃಷ್ಟಿ ಮತ್ತೆ ಬರಲು ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಹೇಳಿದ ಮೇರೆಗೆ ಈ ಒಂದು ಅವಘಡಕ್ಕೆ (ಅಪಘಾತಕ್ಕೆ). ಇನ್ನು ಬೆಳೆಯ ಬೇಕಿದ್ದ ನನ್ನ ಮಗನ ಜೀವನವನ್ನು ಅತಿ ಕಿರಿಯ ವಯಸ್ಸಿನಲ್ಲಿ ಸಂಕಷ್ಟಕ್ಕೆ ತಳ್ಳಿದ ಶಾಲಾ ಆಡಳಿತ ಮಂಡಳಿಯ ಮುಖ್ಯಸ್ಥರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮವನ್ನು ಜರುಗಿಸಬೇಕೆಂದು ಈ ಮೂಲಕ ತಮ್ಮನ್ನು ಪ್ರಾರ್ಥಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ.

ನನ್ನ ಮಗನನ್ನು ನೋಡಿಕೊಳ್ಳಲು ಯಾರು ಇಲ್ಲದ ಕಾರಣ ನಾನೇ ಆತನನ್ನು ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದು ನಂತರ ಶಾಲೆಯ ಆಡಳಿತ



ಮಂಡಳಿಯವರು ಯಾವುದಕ್ಕೂ ಸ್ಪಂದಿಸದ ಕಾರಣ ಈ ದಿನ ತಡವಾಗಿ ಬಂದು
ದೂರು ನೀಡುತ್ತಿದ್ದೇನೆ."

11. **The complaint may not be an elaborate legal thesis. It need not be. An FIR is not expected to be an encyclopaedia of all facts, all offences, all evidence and all legal consequences. Its purpose is to set the criminal law in motion.** At this stage, the Court is not called upon to conduct a mini-trial or to weigh the defence of the school against the allegations of the complainant. The question is whether the allegations, taken at their face value, warrant investigation. The answer, in the considered view of this Court, must be in the affirmative.

12. A school which undertakes to transport children assumes a duty of care that is heightened, not diminished, by the tender age of those entrusted to it. In fact, the State through promulgation of the Rules called the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula, etc.,) (Amendment) Rules, 2018, regulates the educational institutions including transportation.



HC-KAR

The mandatory requirement is indicated in section 1C which deals with transportation and reads as follows:

SECTION 1.C: TRANSPORTATION			
Sl. No	Measure / Indicators	Yes/No	Mandatory/Recommended
1	(i) The vehicle must have a permit as per section 74 of the Motor Vehicles Act, 1988		M
	(ii) All vehicles owned or managed by the school, such as school bus, van, cab used by children for transportation to and from school/ or on school duty has fitness certificate from the RTO.		M
	(iii) The vehicle should not exceed 15 years from the date of registration.		M
2	(i) Vehicle exterior of school buses, vans conform to the RTO norms on appearance		M
	(ii) "SCHOOL BUS" is prominently written on the back and front of every bus carrying school children and		
	(iii) If it is a hired bus, "ON SCHOOL DUTY" is prominently displayed.		
	(iv) School's name and telephone number is written on the bus.		
3	Drivers:		M
	(i) Every driver used has a minimum of 5 years of experience of driving heavy vehicles or minimum of 4 years of having a Light Motor Vehicle license for driving a transport vehicle.		
	(ii) Drivers do not have any previous record of traffic offences.		
	(iii) Drivers background has been checked/verified.		
	(iv) Regular inspections are done to ensure that the driver is not under the influence of alcohol when he/she is on school work		
	(v) Drivers and helpers are regularly sensitized on protection and harassment policies of the Educational Institution		
4	(vi) Driver maintains vehicle in good and safe condition		
	Attendants:		M
	(i) There is a teacher or an attendant, (preferably a female attendant when girls are on board) accompanying the children in the school bus till the last stop.		

13. What is mandated in law is, there should be attendants in the bus in which students of tender age are transported to their residences from the school. The management of the school should oversee whether the teacher or attendant accompanies the students till the last stop, and a responsible person/security to oversee the movement of the vehicles in front of the school for drop/pickup of the children.



This is the mandate of the statute. The schools cannot violate the said mandate of the statute. A child which travels in a school bus which is an extension of the school itself, cannot be left high and dry till the child from the school reaches the house even if it is the last stop. The schools cannot show a hands off to the responsibility of compliance with the mandate of the statute.

14. Therefore, the safety of children in a school bus is not a matter of charity or convenience; it is a solemn obligation mandated under the Statute as well. Whether there was an attendant in the bus, a security or whether the CCTV camera was installed, even if installed, was merely ornamental or functional, whether prohibited or dangerous material was allowed to be carried by children, whether the school had issued and enforced adequate safety instructions, and whether the management failed in its duty of supervision are all matters which cry for investigation.



15. The offence alleged is the one punishable under Section 125(a) of the BNS, which reads as follows:

"125. Act endangering life or personal safety of others.—Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two thousand five hundred rupees, or with both, but—

(a) where hurt is caused, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;"

(Emphasis supplied)

Section 125(a) penalizes any person who acts rashly or negligently that it endangers human life or personal safety which results in injury to someone else. Section 125(a) corresponds to Sections 336 and 337 of the earlier regime-the IPC. To attract the mischief of rashness or negligence against a person, such act of omission or commission must be attributable to the said accused. The complaint clearly meets the ingredients of Section 125(a). Therefore, investigation in the least is a must.



16. The contention that the act was that of another child and, therefore, the management must stand completely absolved at the threshold, cannot be accepted at this stage. The precise contours of culpability, if any, can be delineated only after investigation. The petitioner may ultimately demonstrate absence of criminal negligence. But that conclusion cannot be recorded today by strangulating the investigation at its inception, especially when the incident has resulted in permanent disability to a child, **a child of tender age, yet to behold the full bloom of life, has been condemned to live with permanent visual impairment.**

In that light, finding no merit in this petition at this juncture, the petition stands rejected. Investigation must ensue.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**