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HC-KAR

CNR: KAHC010186502024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3027 OF 2024

BETWEEN:

1. ABDUL JALEEL @ YASEEN ARKULA,
S/O. LATE ABDUL RAZAK,
AGED ABOUT 42 YEARS,
R/AT: NO.3-91,
VALCHIL, ARKULA,
FARNGIPET, MANGALURU,
D.K. DISTRICT-574 143.

2. SHAMSUDDIN,
S/O. ABDUL RAZAK,
AGED ABOUT 41 YEARS,
R/AT NO.2-245,
BOLLARI THUMBE,
FARANGIPET, BANTWAL,
D.K. DISTRICT-574 143.

3. SHUHAIB SINAN
S/O. MOHAMMED SHAFI,
AGED ABOUT 21 YEARS,
R/AT NO.2-440,
MADAKA HOUSE,
THUMBE VILLAGE,
PUDU, FARANGIPET,
BANTWAL, D.K. DISTRICT-574 143.

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4. MOHAMMAD NAZEEM,
S/O. MOHAMMAD SHAFI,
AGED ABOUT 24 YEARS,
R/AT NO.2-440,
MADAKA HOUSE,
THUMBE VILLAGE,
PUDU, FARANGIPET,
BANTWAL, D.K. DISTRICT-574 143.

5. HAMMAD MUSHTAQ,
S/O. B. HAMEED,
AGED ABOUT 41 YEARS,
R/AT NO.1-141 (3),
KUNDALA HOUSE,
KANNUR, MANGALORE,
D.K. DISTRICT-575 007.

6. MOHAMMAD RASHEED,
S/O. D.UMMARABBA,
AGED ABOUT 38 YEARS,
R/AT NO.2-74 (2),
AYSHA MANZIL,
FATHIMA COMPUOND,
DAYAMBU, KANNUR,
MANGALORE, D.K. DISTRICT-575 007.

7. MANSOOR,
S/O. HASAN KUNHI,
AGED ABOUT 41 YEARS,
R/AT NO.3-127/6,
VALACHIL HOUSE,
ARAKULA, FARANGIPET,
D.K. DISTRICT-574 143.

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8. MOHAMMED IQBAL,
S/O. BASHEER,
AGED ABOUT 31 YEARS,
R/AT NO.4-23/1,
BAJAL NANTHOOR,
FAIZAL NAGAR, BAJAL,
MANGALORE, D.K. DISTRICT-575 007.

9. SALEEM,
S/O. MOHAMMAD S.M.,
AGED ABOUT 40 YEARS,
R/AT NO.4-231,
VALACHIL PADAVU FARANGIPET POST,
NEAR SRINIVAS COLLEGE,
ARKULLA, D.K. DISTRICT-574 143.

10. MANSOOR YUSUF MOHAMMED,
S/O. MAHAMMED,
AGED ABOUT 42 YAERS,
R/AT NO.5-49-1,
AMEMAR HOUSE,
MANSOOR MANZIL,
FARANGIPET, BANTWAL,
D.K. DISTRICT-574 143.

11. MUHAMMAD ASHRAF,
S/O. MAHAMMAD,
AGED ABOUT 36 YEARS,
R/AT NO.5-149 (32) C,
AMMEMAR HOUSE,
PUDU VILLAGE,
FARANGIPET POST,
BANTWAL, D.K. DISTRICT-574 143.

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12. ZAKEER HUSAIN,
S/O. ABDUL HAMEED,
AGED ABOUT 32 YEARS,
R/AT NO.4-302,
VALCHIL PADAV HOUSE,
ARKULA, MANGALORE,
D.K. DISTRICT-574 143.

13. MOHAMMAD SINAN,
S/O. SHAREEF,
AGED ABOUT 23 YEARS,
R/AT NO.4-288/1,
VALCHIL PADAV HOUSE, ARKULA,
FARANGIPET, MANGALORE,
D.K. DISTRICT-574 143.

14. MAJEED,
S/O. ISMAIL,
AGED ABOUT 41 YEARS,
R/AT NO.1-17,
VALCHIL HOUSE, ADYAR VILLAGE,
KANNUR, MANGALORE,
D.K. DISTRICT-575 007.

15. NOUSHAD ABDUL KHADER,
S/O. SULAIMAN,
AGED ABOUT 42 YEARS,
R/AT NO.5-117-IE,
AMEMMAR HOUSE,
PUDU VILLAGE, BANTWAL,
D.K. DISTRICT-574 143.

16. MAHAMMED SAFEEQ,
AGED ABOUT 31 YEARS,
R/AT NO.1-95/1,

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BADRIYA NAGAR,
MALLURU, D.K. DISTRICT-575 029.

17. MAHAMMED FAIJAL,
AGED ABOUT 31 YEARS,
R/AT NO.1-88,
BADRIYA NAGAR,
MALLURU, D.K. DISTRICT-575 029.

18. JAMALUDDEEN,
S/O. BAVA,
AGED ABOUT 51 YEARS,
R/AT NO.6-188/8,
MEJAPE HOUSE, PUDU VILLAGE,
BANTWAL, FARANGIPET,
D.K. DISTRICT-574 143.

19. MOHAMMED JAHOOR,
S/O. GUDUNABALI MOHAMMAD IBRAHIM,
AGED ABOUT 44 YEARS,
R/AT NO.2-446,
NEAR MARUTHI BRICKS AND TILES,
THUMBY, BANTWAL, FARANGIPET,
D.K. DISTRICT-574 143.

20. MOHAMMAD NAVAF,
S/O. ABOOBAKKAR,
AGED ABOUT 25 YEARS,
R/AT NO.5-48 (6),
AMEMMAR HOUSE,
PUDU VILLAGE,
BANTWAL, FARANGIPET,
D.K. DISTRICT-574 143.

...PETITIONERS

(BY SRI. LETHIF B., ADVOCATE)

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AND:

1. THE STATE OF KARNATAKA
   BY MANGALORE RURAL POLICE STATION,
   D.K. DISTRICT,
   REP. BY SPP,
   HIGH COURT BUILDING,
   BANGALORE-560 001.

2. MANJULA. P
   POLICE SUB INSPECTOR,
   MANGALURU RURAL PS,
   VAMANJOOR,
   MANGALURU CITY,
   D.K. DISTRICT-575 028.

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;
R-2 NOTICE SD BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.388/2023, FOR THE OFFENCE P/U/S 143, 147, 341, 353, 290 R/W 149 OF IPC OF MANGALORE RURAL POLICE STATION, PENDING ON THE FILE OF JMFC III COURT, MANGALORE, WHICH IS PRODUCED AT ANNEXURE-A, IN THE ABOVE CASE.

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

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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in CC No.388/2023, arising out of Crime No.27/2022 dated 13.04.2022, filed by the Mangalore Rural Police Station, Mangaluru, against the petitioners for the offences punishable under Sections 143, 147, 341, 353, 290 r/w 149 of IPC, currently pending on the file of JMFC - III Court Mangaluru.

2. The brief facts of the case are that respondent No.2 lodged a complaint on 13.04.2022 alleging that she was working as a Police Sub-Inspector at Mangaluru Rural Police Station. On 13.04.2022, the Hon’ble the then Chief Minister of the State of Karnataka was scheduled to visit Dakshina Kannada District to attend a programme at Bantara Bhavana, Bantwal. In that regard, the complainant and one Vishwanath were deputed by their superior officers for security arrangements. Accordingly, at about 6:30 a.m. on the said day, the complainant was discharging Bandobasth duty near Valachil Junction. It is further alleged that, at about 10:10 a.m., when

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the convoy vehicle of the Hon'ble Chief Minister reached Valachil Junction, about 15 to 20 persons formed an unlawful assembly and came from the direction of Darga Sharif, Valachil Road, carrying SDPI flags and black flags in their hands. They were allegedly raising slogans demanding the resignation of the then Minister, Sri.K.S.Eshwarappa, in connection with the death of one Santosh Patil on 12.04.2022. It is further alleged that the petitioners, who were among the said gathering, proceeded towards the vehicle of the Hon'ble Chief Minister while raising slogans and obstructed the movement of the convoy. Hence, respondent No.2 lodged a complaint against the petitioners, who are stated to be leaders of the SDPI. Based on the said complaint, respondent No.1-Police registered an FIR against the petitioners for the offences punishable under Sections 143, 147, 341 and 290 r/w 149 of IPC. Subsequently, respondent No.1-Police conducted investigation and filed the charge sheet against the petitioners for the offences punishable under Sections 143, 147, 341, 353 and 290 r/w 149 of IPC. Accordingly, the learned Magistrate took cognizance of the aforesaid offences. Being aggrieved by the same, the

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petitioners have preferred the present petition seeking to quash the proceedings.

3. Heard the learned counsel for the petitioners and learned HCGP.

4. The primary contention of the learned counsel for the petitioners is that, on perusal of the complaint and charge sheet materials, no offences alleged against the petitioners are made out. He submits that, even as per the allegations in the charge sheet, the petitioners had merely attempted to obstruct the movement of the convoy vehicle of the Hon'ble Chief Minister and that there was no actual assault or use of criminal force against any public servant with an intention to deter the public servant from discharging his official duty. He further submits that the allegations also do not disclose any act of mischief committed by the petitioners. According to him, the complaint and charge sheet merely indicate that the petitioners allegedly attempted to stop the convoy vehicle, which, by itself, would not attract the offences punishable under Sections 290 and 353 of the IPC. In the absence of any ingredients constituting the alleged offences, continuation of the

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proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, he prays to allow the petition.

5. The learned HCGP has opposed the petition contending that the investigation has been completed and the charge sheet has been filed. He submits that the statements of the material witnesses, including the eyewitnesses, *prima facie* disclose the involvement of the petitioners in the alleged offences. Therefore, the veracity of the allegations and the role attributed to the petitioners are matters to be examined during trial and cannot be adjudicated in the present proceedings. Accordingly, he prays to dismiss the petition.

6. I have given my anxious consideration both on the submission and perused the charge sheet materials.

7. As could be gathered from the complaint averments, initially, the FIR was registered on the basis of the *suo-moto* complaint lodged by respondent No.2 for the offences punishable under Sections 143, 147, 341 and 290 r/w 149 of IPC. The specific allegation in the complaint is that the petitioners had staged a protest by demanding the resignation

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of one of the Minister of the State, on the roadside at a place called Valachil. A perusal of the charge-sheet material does not disclose that the petitioners had either obstructed the convoy vehicle of the Chief Minister or made any attempt to use criminal force to deter a public servant from discharging his official duties. There is also no specific allegation attributing any act of mischief to the petitioners. Even if the entire allegations in the charge sheet are taken at their face value, the materials would, at best, indicate an attempt on the part of the petitioners to stage a protest, and admittedly, no overt act constituting the alleged offences is established from the charge-sheet material.

8. Further, the contention of the learned counsel for the petitioners that the right to conduct a peaceful protest is a Constitutional right guaranteed under Article 19 of the Constitution of India merits consideration. Such a right cannot be curtailed by initiating criminal proceedings on the basis of frivolous allegations. Even the statements of the material witnesses, including the eyewitnesses, disclose that the petitioners had merely attempted to stage a protest by

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standing on the roadside and displaying the flags of their organization, such an act, by itself, would not constitute the offences punishable under Sections 353, 290 or the other provisions of the IPC invoked against them. In the aforesaid circumstances, permitting the criminal proceedings to continue against the petitioners, in the absence of the necessary ingredients constituting the alleged offences, would amount to an abuse of the process of Court. Accordingly, I proceed to pass the following:

ORDER

i. The criminal petition is ***allowed***.

ii. The proceedings against petitioners/accused Nos.1 to 20 in C.C.No.388/2023, arising out of Crime No.27/2022 dated 13.04.2022, filed by the Mangalore Rural Police Station, Mangaluru, for the offences punishable under Sections 143, 147, 341, 353, 290 r/w 149 of IPC, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG/List No.: 1 Sl No.: 24