



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 5045 OF 2024

BETWEEN:

1. SRI MUNIRATHNA
S/O SRI SUBRAMANYA NAIDU
AGED ABOUT 60 YEARS
R/AT NO. 147, 1TH A CROSS
VYALIKAVAl, BANGALORE 560 003

...PETITIONER

(BY SRI: NARASIMHARAJU, ADVOCATE)

AND:

1. STATE BY NANDINI LAYOUT
POLICE STATION
BENGALURU 560 096
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE 560 001

2. SRI. SAMUEL J
S/O MR. JAMES
MAJOR, R/AT NO.8
14TH BLOCK, KSEB NEW QUARTERS
LAKSHMIDEVINAGAR
KAVERINAGARA
BANGALORE 560 096

...RESPONDENTS

(BY SMT: WAHEEDA M.M. HCGP FOR R1;
R2 SERVED AND UNREPRESENTED.)





THIS CRL.P IS FILED UNDER SECTION 482 CR.P.C BY THE PETITIONER PRAYING TO QUASH THE FIR IN CR.NO.397/2024 (OLD CR.NO.111/2024) NANDINI LAYOUT P.S., FOR AN OFFENCE PUNISHABLE UNDER SECTIONS 506, 149, 363, 171-C OF IPC PENDING ON THE FILE OF THE 42ND ACMM COURT NRUPATHUNGA ROAD, BENGALURU CITY AGAINST THE PETITIONER.

THIS CRL.P, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

The petitioner is before the Court seeking the following prayer:

"Wherefore, the petitioner herein most humbly pray that, this Hon'ble Court may be pleased to quash the FIR in Crime No.397/2024 (Old Crime No.111/2024) Nandini Layout PS, for an offence punishable under Sections 506, 149, 363, 171C of IPC pending on the file of the 42nd Addl. CMM Court, Nrupatunga Road, Bangalore City against the petitioner in the interest of justice and equity."

2. The petitioner gets embroiled in a crime in Crime No.397 of 2024 (Old Crime No.111 of 2024) of Nandini Layout Police Station, for offence punishable under Sections 506, 149, 363, 171C and of the IPC.



3. The allegation against the petitioner is that he has forced certain persons during the time of elections to wear the shawl of a particular party.

4. This identical issue has been considered by this Court in ***M Mohan Kumar and Others Vs The State of Karnataka and another¹***, has held as follows:

"..... .."

3. The learned counsel appearing for the petitioners would submit that the issue in the *lis* stands covered by the judgment rendered by the Co-ordinate Bench in the case of ***M. MOHAN KUMAR & Ors. Vs. THE STATE OF KARNATAKA & ANOTHER²***, the Co-ordinate Bench has held as follows:

"The fact matrix of both these cases is substantially similar and they arise from the very same complaint as well wherein violation of the provisions of Section 188 of Indian Penal Code, 1860 has been alleged. Cognizance having been taken by the learned Judge of the Court below, process has been issued to the accused/petitioners. That is how they are before this court seeking quashment of the same.

2. Learned Sr. Advocate Mr.Aruna Shyam appearing for the petitioners submits that the cognizance of the offence could not have been taken by the court below, the private complaint filed u/s 200 of the Code of Criminal Procedure, 1973, for the subject offence itself being incompetent. In support of this, he banks upon of a Coordinate Bench decision in W.P.No.13328/2018 (GM-RES) between ***SRI. RAJASHEKHARANANDA SWAMIJI AND ANOTHER vs. STATE OF KARNATAKA***, disposed off on 18.6.2021. He further submits that the provisions of Section 195 of the Code of Criminal Procedure, 1973 having been held mandatory by the Apex Court in ***SALONI ARORA V. STATE (NCT OF DELHI)***,

¹ Crl.P.No.14206/2025 DD 17.02.2026.

² Crl.P.No.7228/2023 & connected case disposed on 27.02.2024



(2017) 3 SCC 286, the quashment has to be granted by this court.

3. Learned Addl. SPP appearing for the respondent opposes the petitions contending that there can be delegation of power to lodge the complaint and therefore, in such an event, the author who promulgated the order in question need not go before the court to complain. Even otherwise, according to him, the arguable infirmity not going to root of the matter, no relief can be granted to the petitioners, as prayed for. So contending, he seeks dismissal of the petitions.

4. Having heard the learned counsel for the parties and having perused the Petition Papers, this court is inclined to grant relief to the petitioners, broadly agreeing with the submission made on their behalf. Similar question had cropped up before the Coordinate Bench in *Rajashekharananda Swamiji supra*. A paragraphs 8 & 10 of the judgement, it is observed as under:

"8. Reading of the above provision makes it clear that to take cognizance there should be a written complaint and such complaint should be filed either by the officer issuing such promulgation order or the officer above his rank. In the case on hand, as per the complaint itself, prohibitory order under Section 144 of IPC was promulgated by the Commissioner of Police and not the complainant.

10. Then the question is Annexures-A to D get vitiated only so far as the offence under Section 188 of IPC. In para 8 of the judgment in State of Karnataka v. Hemareddy1, the Hon'ble Supreme Court held as follows:

"8. We agree with the view expressed by the learned Judge and hold that in cases where in the course of the same transaction an offence for which no complaint by a Court is necessary under Section 195(1)(b) of the Code of Criminal Procedure and an offence for which a complaint of a Court is necessary under that sub-section, are committed, it is not possible to split up and hold that the prosecution of the accused for the offences not mentioned in Section 195(1)(b) of the Code of Criminal Procedure should be upheld."

(Emphasis supplied)"

The above observations come to the aid of petitioners.

5. The vehement submission of learned Addl. SPP that there can be delegation of "power to complain" in terms of promulgated order in question, is bit difficult to countenance in the absence of such delegation being



demonstrated from the text of the said order itself. It has been a settled position of law vide *In Re Delhi Laws Act, 1951 SCC OnLine SC 45* that a delegate cannot further delegate: *delegatus non potest potestas delegare*. Contra having not been shown, the contention of the kind cannot be countenanced.

In view of the above, these petitions being meritorious are allowed to meet the ends of justice and to prevent the abuse of process of the court; the impugned proceedings in C.C.No.24636/2022 pending on the file of learned VI Addl. Chief Metropolitan Magistrate, Bengaluru, are quashed."

4. In the light of the issue standing covered by judgment rendered by the Co-ordinate Bench and the facts being undisputed, the petition stands **disposed** on the same terms."

5. In light of the issue standing completely answered by the judgment rendered by this Court as to what would become the offence under Section 171C permitting further investigation, the petition deserves to succeed.

6. Insofar as the other offences are concerned, the other offences are also so loosely laid against the petitioner as the offence under Section 363 is abduction of a minor. There is no case of abduction of a minor in the case at hand.

7. On all these, permitting further proceedings would become an abuse of the process of the law and result in miscarriage of justice.



8. Hence, the following:

ORDER

- i) The Criminal Petition is ***allowed.***
- ii) FIR in Crime No.397 of 2024 (Old Crime No.111 of 2024) of Nandini Layout Police Station, pending on the file of 42nd Additional CMM Court, Nrupatunga Road, Bengaluru City stands quashed.

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

BGN
List No.: 2 Sl No.: 2