



CNR: KAHC010449332025

NC: 2026:KHC:45822
CRL.P No. 9793 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 9793 OF 2025

BETWEEN:

1. SMT SANGETHA MEHROTRA
D/O. RAJENDER NARAYAN MEHROTRA
AGED ABOUT 60 YEARS,
NO.159, VINAYAKA MANSION,
8TH CROSS,
HMT LAYOUT,
RT NAGAR,
BENGALURU 560 032.

...PETITIONER

(BY SMT. VAISHALI HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY R.T. NAGAR POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.
2. SRI. MOHAMMED UZAIR KASHMIRI,
S/O. MOHAMMED SHAFI KASHMIRI,
AGED ABOUT 35 YEARS,
RESIDING AT NO. 42/1, 2ND FLOOR,



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SHEIKH RESIDENCY,
4TH CHURCH ROAD,
MARAPPA GARDEN,
J.C NAGAR- 560 006
FATHIMA COTTAGE,
BUNDAR ROAD,
3RD CROSS,
BHATKAL,
UTTARA KANNADA.

...RESPONDENTS

(BY SMT. WAHEEDA M.M., HCGP FOR R1;
SRI. SYED MOHAMMED IRBAZ, ADVOCATE FOR R2
(ABSENT)

THIS CRL.P. IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING
THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH
THE PROCEEDINGS IN C.C.NO.15258/2022 PENDING BEFORE
THE COURT OF THE 32ND ACMM, BENGALURU FOR THE
ALLEGED O/U/S 289 OF THE IPC, 1860 VIDE ANNEXURE B.

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



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

ORAL ORDER

The petitioner is before the Court calling in question the proceedings in C.C.No.15258/2022 registered for the offence punishable under Section 289 of the IPC.

2. Heard Smt. Vaishali Hegde, learned counsel appearing for the petitioner, the learned High Court Government Pleader, Smt. M.M. Waheeda appearing for respondent No.1. Respondent No.2 - the complainant has remained absent throughout. Therefore, the learned counsel appearing for the petitioner and respondent No.1 - State are heard in the matter.

3. Facts adumbrated are as follows:

It is the case of the prosecution that, on 28.11.2021, when the complainant was on his way to the Court, he was allegedly attacked by the dogs owned by the petitioner. The complaint narrates that the petitioner is having 10 dogs in her custody and those dogs attacked the complainant when he



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went to take his bike which was parked near Cafe Coffee Day at the time when the complainant was on his way to the Court. This becomes a crime in Crime No.267/2021. The police conduct investigation and file a charge sheet for the offence punishable under Section 289 of the IPC. The filing of the charge sheet and issuance of summons in C.C. No.15258/2022 is what has driven the present petitioner to this Court in the subject petition.

4. Learned counsel Smt. Vaishali Hegde, appearing for the petitioner, taking this Court through the documents appended to the petition, would *prima facie* demonstrate that the complainant who is said to be an Advocate is allegedly attacked by dogs belonging to the petitioner on the way to the Court on 28.11.2021, which is a Sunday. The complainant – Advocate, who was wanting to attend the Court, has indicated in the complaint that due to the attack of the dogs, he could not attend the Court. Which Court was working on a Sunday for the complainant to attend is a mystery. That is the first blush of falsehood in the complaint is the submission of the learned counsel appearing for the petitioner. The learned



counsel further contends that the complainant is an advocate who is fighting the litigation *qua* the property that is abutting the property of the petitioner and therefore, there is a dispute between the two. This dispute is given a colour of nuisance by registering the subject crime.

5. *Per contra*, the learned High Court Government Pleader would submit that the police after investigation have filed a charge sheet. The filing of the charge sheet must necessarily end in a trial and it is for the petitioner to come out clean in its full-blown form. Learned High Court Government Pleader would submit that the dogs have attacked the complainant and the dogs attacking the complainant is also witnessed by a few people, who have stood as eyewitnesses to the said incident. Therefore, the proceedings must not be obliterated at this juncture and the petitioner must be tried and come out clean in the said trial.

6. I have given my anxious consideration to the respective submissions made by the learned counsel and have perused the material on record.



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7. The afore-narrated facts are a matter of record. On 28.11.2021, the complainant, who is said to be a practicing Advocate, walks to the police station and registers the complaint. The complaint reads as follows:

"From:

Mohammed Uzain
Advocate
N.14, first Floor
R.T.Nagar Main Road,
Bangalore
Ph.No. 8749085596

To:
SHO
R.T. Nagar, Bangalore.

Sir,

Complaint against unknown person who having custody of around 10 dogs and that dog assault me.

I the undersigned kindly submit that while I was going to appear before court from my office when I had gone to take my bike where I was park in front of Coffee day in that time around 10 dogs come around me and barked infront of me when I was scared Dog started Bite me. After my shouting the owner Dog come around me. I immediately call to police on 100 number police had not answered my call.

Kindly to my complaint against the owner of Dog."



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The complainant narrates that the complainant was on his way to appear before the Court from the office and when he took out his bike and was in front of a particular Cafe Coffee Day, 10 dogs come and attack him from the front. The complainant is said to have got scared and shouted and at that point in time, the dogs went away. In all, the complainant alleges that he was stopped from attending the proceedings in the Court on 28.11.2021, which is admittedly a Sunday. Which Court was open for the complainant to attend the Court on a Sunday, which was stopped allegedly by the dogs owned by the petitioner attacking is a mystery. But the police machinery is now used for investigation on an offence under Section 289 of the IPC in a complaint that even vagueness could be shocked as it is so vague. The police begin investigation as if it would be a heinous offence and file a charge sheet even in the case at hand against the petitioner, owner of 10 dogs for them having attacked an Advocate who was on his way to the Court on a Sunday. The summary of the charge sheet reads as follows:

"ದಿನಾಂಕ:29.11.2023 ರಂದು ಬೆಳಿಗ್ಗೆ 10-40 ಗಂಟೆಯಲ್ಲಿ ಸಾಕ್ಷಿ-1ರವರು ಆಫೀಸ್‌ನಿಂದ ಕೋರ್ಟ್‌ಗೆ ಹೋಗಲು ಇದೇ ಬೆಂಗಳೂರುನಗರ ಆರ್.ಟಿ.ನಗರ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಸೇರಿದ ತರಳಬಾಳು ರಸ್ತೆ, ಕಾಫೀ ಡೇ, ಪಕ್ಕದಲ್ಲಿರುವ ಪಾರ್ಕಿಂಗ್ ಸ್ಥಳದಲ್ಲಿ ನಿಲ್ಲಿಸಿದ ತಮ್ಮ ದ್ವಿಚಕ್ರ ವಾಹನವನ್ನು ತೆಗೆದುಕೊಳ್ಳಲು ಹೋಗುತ್ತಿದ್ದಾಗ ಈ ದೋಷಾರೋಪಣ ಪತ್ರದ ಕಾಲಂ-



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4ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಆರೋಪಿತೆಯು ಸಾಕಿರುವ 5 ನಾಯಿಗಳು ಸಾಕ್ಷಿ-1ರವರನ್ನು ಹಿಂದೆಯಿಂದ ಸುತ್ತವರೆದು ಭೋಗುಳುತ್ತಾ ಏಕಾ-ಏಕಿ ಮೈ ಮೇಲೆ ಎಗರಿ ನಾಯಿಗಳ ಕಾಲುಗಳಿಂದ ಸಾಕ್ಷಿ-1ರವರ ಮೈಕೈಕಾಲುಗಳನ್ನು ಪರಚಿ ನೋವುಂಟು ಮಾಡಿದ್ದು, ಸಾಕ್ಷಿ-1ರವರು ನೋವಿನಿಂದ ಕೂಗಿಕೊಳ್ಳುತ್ತಿದ್ದಂತೆಯೇ ಅಲ್ಲಿದ್ದ ಅಕ್ಕ-ಪಕ್ಕದ ಸಾರ್ವಜನಿಕರು ಸಾಕ್ಷಿ-1ರವರ ರಕ್ತಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದಂತೆಯೇ ಆರೋಪಿತೆಯು ಬಂದು ನಾಯಿಗಳನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗಿರುತ್ತಾರೆ. ಈ ನಾಯಿಗಳಿಗೆ ಯಾವುದೇ ಚೆಸ್ತ್ ಬೆಲ್ಟ್ ಹಾಗೂ ಚೈನ್‌ನ್ನು ಹಾಕದೇ ಇರುವುದು ಕಂಡು ಬಂದಿದ್ದು, ಸಾಕ್ಷಿ-1ರವರಿಗೆ ನಾಯಿಗಳು, ಎಗರಿ ಮೈಕೈಕಾಲುಗಳನ್ನು ಪರಚಿ ನೋವುಂಟು ಮಾಡಲು ಆರೋಪಿತೆಯ ಬೇಜಾವಬ್ದಾರಿ ಹಾಗೂ ನಿರ್ಲಕ್ಷ್ಯತೆಯೇ ಕಾರಣವಾಗಿರುತ್ತದೆ ಎಂದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಆರೋಪಿತೆಯ ವಿರುದ್ಧ ಮೇಲ್ಕಂಡ ಕಲಂನ ಅನ್ವಯ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧ ಎಸಗಿರುತ್ತಾರೆಂದು ಆರೋಪಿತೆಯ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ."

(Emphasis added at each instance)

The summary of the charge sheet is further full of embellishments. The complaint is that the petitioner ran away. The summary of the charge sheet narrates that there were 5 dogs, not 10; the complaint says there were 10 and not 5. Therefore, on these factors, a trial is wanting to be conducted by the State. If this is permitted to be tried for the offence under Section 289 of the IPC, nothing can be a better illustration of permitting an abuse of the process of the law to go to the stage of trial for the petitioner to come out clean.

8. The police ought not to have registered the crime at the asking of a person as the allegation is he was stopped from attending the Court proceedings on a Sunday. The police have



not looked into the fact whether that was a Sunday or a working day for the Court proceedings to be attended by the complainant. The complaint is bald and cryptic. The action of the police is also so cryptic that it is *sans* countenance. It is such cases, in the considered view of the Court, that are clogging the criminal justice system, as the police machinery is used for investigation and filing of a charge sheet in a case which ought not to have been registered even, and the learned High Court Government Pleader submits that it must be tried. In that light, permitting further proceedings in the case at hand would become an abuse of the process of law and result in the miscarriage of justice.

9. For the aforesaid reasons, the following:

ORDER

- (i) The petition is allowed.
- (ii) Proceedings in C.C.No.15258/2022 pending before the Court of VIII Additional Chief Judicial Magistrate, Bengaluru, stands quashed *qua* the petitioner.



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Pending applications, if any, stand disposed as a consequence.

Sd/-
(M.NAGAPRASANNA)
JUDGE

SJK
List No.: 1 Sl No.: 2