



CNR: KAHC020107882026

NC: 2026:KHC-D:15574  
CRL.P No. 101720 of 2026

**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

**DATED THIS THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE  
THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

**CRIMINAL PETITION NO.101720 OF 2026**  
**(482(Cr.PC)/528(BNSS))**

**BETWEEN:**

SHRI IMTIYAZ NURUDDIN CHINCHALI,  
AGE: MAJOR, OCC: BUISNESS,  
R/O. ATHANI, TQ. ATHANI,  
DIST. BELAGAVI, KARNATAKA.

...PETITIONER

(BY SRI NITIN BOLABANDI, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
REP. BY S.P.P.,HIGH COURT OF KARNATAKA,  
DHARWAD BENCH, DHARWAD,  
THROUGH ATHANI POLICE STATION,  
ATHANI, DIST. BELAGAVI.
2. SHRI GIRISH S/O. KEDARI BUTALI,  
AGE: 59 YEARS, OCC: SOCIAL WORKER,  
R/O. ATHANI, TQ. ATHANI,  
DIST. BELAGAVI, KARNATAKA.

...RESPONDENTS

(BY SRI PRAVEENA Y. DEVAREDDIYAVARA, HCGP FOR R1;  
SRI SANTOSH NARAGUND, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482 OF CR.P.C. (U/S. 528 OF BNSS, 2023), PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CRIME NO.29/2026 REGISTERED BY ATHANI POLICE STATION, BELAGAVI DISTRICT, FOR THE OFFENCE PUNISHABLE U/S.285 AND 352 OF BHARATIYA NYAYA SANHITA, 2023, PENDING BEFORE THE PRINCIPAL CIVIL JUDGE JR.DN AND





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JMFC COURT, ATHANI, IN SO FAR AS THE PETITIONER IS CONCERNED, IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

**ORAL ORDER**

Heard learned counsel for the petitioner, learned High Court Government Pleader for respondent No.1- State and learned counsel for respondent No.2.

2. The petitioner – accused has filed this petition under Section 482 of Cr.P.C., [582 of BNSS, 2023], praying to quash the entire proceedings in Crime No.29/2026 of Athani Police Station registered for the offences punishable under Sections 285 and 352 of Bharatiya Nyaya Sanhita, 2023, pending on the file of the learned Principal Civil Judge (Jr.Dn.) and JMFC, Court, Athani.

3. Brief facts of the prosecution case in nutshell is as under:

On 11.01.2026 at about 11.00 a.m., when the complainant and others were near the Bharatiya Janata Party office situated near Sri Raghavendra Math, Athani, they



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received information regarding a video said to be circulating in a WhatsApp group, as to an incident said to have taken place on 07.01.2026 at about 7.51 p.m. near the shop of the Petitioner at Athani, wherein, the petitioner had kept certain barricades on the road in front of his shop and had caused inconvenience to the public, when the first informant questioned the petitioner as to why he had kept said barricades, the petitioner allegedly used insulting words against Hon'ble Prime Minister. In this regard, a complaint was lodged on 11.01.2026. Taking exception to the same, the petitioner/accused has filed this petition.

4. Learned counsel for the petitioner has contended that there is no allegation against the petitioner as to he abused or insulted the complainant in filthy language. The allegation is that the petitioner had allegedly made some statement against the Hon'ble Prime Minister of India. Therefore, the complainant cannot convert an alleged political statement into personal legal prosecution and set the criminal law in motion without the basic ingredient of the offence being identified. Further, the offence under Section 352 of the BNS,



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2023, is not attracted in the present case, as the complaint does not disclose intentional insult to the complainant. Hence, learned counsel for the petitioner prayed to quash the entire proceedings.

5. Per contra, learned High Court Government Pleader and counsel for respondent No.2, contended that the complaint and the material on record disclose prima facie material against the petitioner attracting the provisions of the Bharatiya Nyaya Sanhita, 2023. It is contended that the petitioner had placed barricades on the road in front of his shop, causing inconvenience to the public and, when questioned by the complainant, allegedly used insulting words with an intention to provoke breach of peace. It was further contended that the allegations require investigation and that disputed questions of fact cannot be examined in detail while exercising the inherent jurisdiction of this Court. Hence, learned High Court Government Pleader prayed for dismissal of the petition.

6. Perused the material available on record.



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7. On perusal of the material available on record, it appears that the petitioner has neither abused nor insulted the complainant to provoke his breach of peace and the only allegation against the petitioner is that he has made some statement against the Hon'ble Prime Minister of India. The contents of complaint clearly demonstrated that when the complainant directed the petitioner to remove barricades, at that juncture, he abused the Hon'ble Prime Minister of India. But same is in the nature of general and omnibus allegations. Further, there is delay in lodging the complaint. The incident alleged to have occurred on 07.01.2026, whereas, the complaint was lodged on 11.01.2026 and the delay has not been properly explained. Hence, it is just and necessary to analyse section 285 and 352 of Bns,2023, which reads as under;

***"Section 285 of BNS, 2023- Danger or obstruction in a public way or line of navigation.***

*Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished, with fine which may extend to five thousand rupees.*



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***Section 352 of BNS, 2023- Intentional insult with intent to provoke breach of peace.***

*Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."*

8. It is well settled law that the inherent jurisdiction under Section 482 of the Cr.P.C. can be exercised where the allegations made in the FIR or complaint, even if taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused.

9. The Hon'ble Supreme Court in the case of ***Mohammad Wajid and Anr v. State of U.P. and Ors***, reported in ***(2023) 20 SCC 219***, while considering the ingredients of Section 504 of the Indian Penal Code, in paragraphs 26,29 and 30 held that mere abuse, discourtesy, rudeness or insolence may not amount to intentional insult unless the requisite intention or knowledge to provoke the person insulted to cause breach of peace or commit another offence is established. The Hon'ble Supreme Court applied the



principles governing quashing of criminal proceedings and held that where the allegations do not disclose the essential ingredients of the offence, continuation of the criminal proceedings would amount to an abuse of the process of law.

10. Whereas, in the instant case, no offence has been made out in the FIR and complaint, the continuation of proceedings would amount to an abuse of the process of law.

11. Considering the fact that there is a delay of four days in lodging the complaint and having regard to the facts and circumstances of the case, particularly the nature of the allegations made against the petitioner, this Court is of the considered view that the complaint and the material on record do not disclose the essential ingredients of the offences alleged against the petitioner. The allegation against the petitioner is essentially that, when the complainant questioned him regarding the barricades, he made certain statements against the Hon'ble Prime Minister of India. There is no specific allegation that the petitioner abused or intentionally insulted the complainant so as to provoke a breach of peace. The



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allegations are general and omnibus in nature. Therefore, in the absence of the essential ingredients of the alleged offences, continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law. Hence, this Court is of the view that the proceedings are liable to be quashed. Accordingly, this Court proceeds to pass the following:

**ORDER**

- i) The criminal petition is ***allowed***.
- ii) The impugned entire criminal proceedings in Crime No.29/2026, of Athani Police Station registered for the offences punishable under Sections 285 and 352 of Bharatiya Nyaya Sanhita, 2023, pending on the file of Principal Civil Judge and JMFC, Athani, is hereby quashed.
- iii) In view of disposal of the petition, pending interlocutory applications, if any, do not survive



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for consideration and are disposed of  
accordingly.

**Sd/-**  
**(VENKATESH NAIK T)**  
**JUDGE**

AM/-  
CT-AN  
List No.: 1 Sl No.: 20