



CNR: KAHC010159032023

NC: 2026:KHC:55685
WP No. 6999 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO.6999 OF 2023 (GM-RES)

BETWEEN:

1. MUBARAK SHARIFF
S/O DOWLATH SHARIFF,
AGED ABOUT 26 YEARS,
R/AT BAZAR ROAD,
HUNSUR TOWN,
MYSURU – 571 105
2. NAJEEBULLA @ NAJEEB
S/O HABIBULLA @ ABIBULLA,
AGED ABOUT 28 YEARS,
R/AT SUBHASHNAGAR,
K R PETE TOWN, MANDYA -571426
3. IMRAN KHAN
S/O SIDDIK,
AGED ABOUT 30 YEARS,
R/AT SUBHASHNAGAR,
K R PETE TOWN,
MANDYA -571 426
4. SALMAN
S/O ASHRAF,
AGED ABOUT 30 YEARS,
R/AT SUBHASHNAGAR,
K R PETE TOWN,
MANDYA -571426
5. SAFEER AHAMED
S/O USMAN,


Digitally signed
by R.
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



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AGED ABOUT 30 YEARS,
R/AT HEMAVATHI EXTENSION,
K R PETE TOWN,
MANDYA -571426

6. NADEEM
S/O GOUSE,
AGED ABOUT 28 YEARS,
R/AT HEMAVATHI EXTENSION,
K R PETE TOWN,
MANDYA -571426
7. MOHAMMED KALEEL
S/O IRFAN AHAMMED,
AGED ABOUT 26 YEARS,
R/AT SHABBIRNAGAR, HUNSUR TOWN,
MYSURU -571 105
8. MOHAMMED SALMAN
S/O ABDUL JABBAR,
AGED ABOUT 26 YEARS,
R/AT HEMAVATHI EXTENSION,
K R PETE TOWN, MANDYA -571426
9. SUHAIL @ SUHEL
S/O HABIBULLA @ ABIBULLA,
AGED ABOUT 26 YEARS,
R/AT SUBHASHNAGAR,
K R PETE TOWN,
MANDYA -571426
10. SYED RIYAZ
S/O SYED IBRAHIM
AGED ABOUT 30 YEARS,
R/AT ALAMBADI KAVAI VILLAGE,
K R PETE TALUK,
MANDYA -571605
11. SYAD SALMAN @ SYED SALMAN



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S/O SYED AREEF @ AREEF,
AGED ABOUT 32 YEARS,
R/AT BASAVANAGUDI BEEDI,
4TH WARD,
K R PETE TOWN,
MANDYA -571426

12. SYED SHARIFF @ SYED FAREED AHAMMED
S/O SYED JAVEED,
AGED ABOUT 21 YEARS,
R/AT ALAMBADI KAVAI VILLAGE,
K R PETE TALUK, MANDYA -571605
13. SYED SARVER @ SYED SARWAR
S/O SYED KHAJIM,
AGED ABOUT 24 YEARS,
R/AT ALAMBADI KAVAI VILLAGE,
K R PETE TALUK, MANDYA -571605
14. SYED JUBER @ SYED ZUBAIR AHMED
S/O SYED FAYAZ,
AGED ABOUT 24 YEARS,
R/AT ALAMBADI KAVAI VILLAGE,
K R PETE TOWN,
MANDYA- 571605
15. MOHAMMED NADIM @ MOHAMMED NADEEM
S/O MOHAMMED ISMAYIL,
AGED ABOUT 25 YEARS,
R/AT ALAMBADI KAVAI VILLAGE,
K R PETE TALUK,
MANDYA -571605
16. SADDAM PASHA
S/O SIRAJ PASHA @ SIRAJ,
AGED ABOUT 22 YEARS,
R/AT ALAMBADI KAVAI VILLAGE,
K R PETE TOWN,
MANDYA – 571605



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17. SHAFEEULLA
S/O HABIBULLA @ ABIBULLA,
AGED ABOUT 34 YEARS,
R/AT BASAVESHWARANAGAR,
K R PETE TOWN, MANDYA -571426

...PETITIONERS

(BY SRI SADDAM R. MULLA FOR SRI. MOHAMMED TAHIR,
ADVOCATES)

AND:

1. STATE BY K.R.PET RURAL P.S.
REP. BY PUBLIC PROSECUTOR
OFFICE AT ADVOCATE GENERAL OFFICE
HIGH COURT COMPLEX, OPP. VIDHANA SOUDHA,
BANGALORE -560 001

2. LAKSHMANA
AGED ABOUT 58 YEARS,
PSI, K R PETE RURAL POLICE STATION,
K R PET TALUK,
MANDYA -571426

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER
FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482
CODE OF CRIMINAL PROCEDURE PRAYING TO SET ASIDE THE
COGNIZANCE ORDER DATED 17.08.2020 PRESENT AT
ANNEXURE-D IN CC NO.208/2020 ARISING OUT OF CRIME
NO.214/2019 REGISTERED BY THE KR PET RURAL PS, UNDER
SECTION 143,153,117,149 OF INDIAN PENAL CODE PASSED
BY THE HON'BLE SENIOR CIVIL JUDGE AND JMFC,
KRISHNARAJPET AND ETC.,



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THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Saddam R. Mulla, learned counsel appearing on behalf of Sri Mohammed Tahir, counsel for the petitioners and Smt. Waheeda M.M., learned High Court Government Pleader for respondent Nos.1 and 2.

2. Petition under Article 226 and 227 of the Constitution of India read with Section 482 of Code of Criminal Procedure with the following prayer:

Wherefore the petitioners most humbly prays to this Hon'ble Court that this Hon'ble Court may be please to:

- 1. To set aside the Cognizance order dated 17/08/2020, present at Annexure-D in CC No.208/2020 arising out of crime no. 214/2019 registered by the KR Pet Rural PS, under section 143, 153, 117, 149 of IPC, passed by the Hon'ble SENIOR CIVIL JUDGE AND JMFC KRISHNARAJPET.*



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2. Consequently, quash the chargesheet dated 26/07/2020 filed by the respondent police for the offences under section 143, 153, 117, 149 of IPC, present at Annexure-C, in CC no. 208/2020, arising out of the Crime No.214/2019 pending in the files of HON'BLE SENIOR CIVIL JUDGE AND JMFC KRISHNARAJPET wherein the petitioners are arrayed as Accused No. 1 to 17".

3. Petitioners have called in question the filing of charge sheet in Crime No.214 of 2019 dated 27.10.2019 registered by K.R.Pet Rural Police which is now pending in C.C.No.208 of 2020.

4. Gist of the allegations found in column No. 17 of the charge sheet would reveal that on 27.10.2019 at about 11:00 a.m., near the Ghouse Peer Qadri Dargha situated in Alambadi Kavalu Village, Akki Habbalu Hobli, K.R.Pete Taluk, petitioners herein had formed an unlawful assembly and among them, Mubarak Sharieff being the member of PFI said to have told the people who have assembled there that the power of Islam Religion Organization should be shown by unity and everyone should indulge in illegal activities which would result in paralyzing the social tranquility.



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5. In that regard, he used to utter few words which was heard by police officials and then filed the charge sheet.

6. Sri. Saddam Mullah, learned counsel would contend that assemble of Muslim persons near Ghouse Peer Qadri Dargha is quite natural on Sunday.

7. He would point out that except the police officials there is not a single witness who heard such utterance by Mubarak Shariff being the member of PFI.

8. He would further contend that if the police people were present near the place of incident overheard the utterance of that Mubarak Shariff, why the police did not stop such activities and only captured the members and enquired them.

9. Based on their statement, complaint came to be lodged and Police have also seized the motorcycles on which the petitioners had arrived at the place of incident.

10. It is the case of the head of the raid party that he and other members of the raid party themselves hidden near the place of incident behind the fence and thereafter they have heard the utterances made by Mubarak Shariff, member of PFI.



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11. Since there are no independent persons who have heard about the incident and it is only the police officials who have been examined and their statements have been recorded, as rightly pointed out on behalf of the petitioners, continuation of the proceedings would be nothing but abuse of process of law.

12. Accordingly a case is made out to quash the pending proceedings.

13. Hence, following:

ORDER

- (i) Petition is allowed.
- (ii) Consequently, charge sheet dated 26.07.2026 in Cr.No.214/2019 (C.C.No.208/2020) is hereby quashed.

**Sd/-
(V SRISHANANDA)
JUDGE**

MR
List No.: 1 Sl No.: 48