

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 212 OF 2026

BETWEEN:

SHAUKATH ALI KARKALA,
S/O K. ABDULLA,
AGED ABOUT 47 YEARS,
R/AT MASHA ALLAH MANZIL,
P.O. KUKKUNDOOR- 576117,
KARKALA TALUK.

...PETITIONER

(BY SRI ABUBACKER SHAFI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY MANGALURU EAST POLICE STATION,
REPRESENTED BY S P P,
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. SHARVAN PUMPWELL
S/O RAVINDRA,
AGED ABOUT 43 YEARS,
R/AT 1/12, JARAPPA COMPOUND
BY-PASS ROAD, PUMPWELL- 575002,
MANGALURU.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN CRIME NO.74/2025 DATED 04.05.2025 FOR THE OFFENCES P/U/S 351(4) OF BNS 2023 REGISTERED BY THE 1ST RESPONDENT POLICE AND ALSO QUASH ITS FURTHER PROCEEDINGS IN CHARGE SHEET NO.103/2025 DATED

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA

18.08.2025 FOR THE OFFENCES P/U/S 351(2), 351(4), BNS 2023 (SECTION 503, 506 AND 507 OF IPC) BY REGISTERING A CRIMINAL CASE IN CC NO.1548/2025 DATED 09.10.2025 AND ITS ENTIRE PROCEEDINGS ON THE FILE OF THE JMFC (VI COURT) AT MANGALURU D.K.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17TH SEPTEMBER, 2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CAV ORDER

This petition is filed to quash the FIR in Crime No.74/2025 registered on 04.05.2025 for the offences punishable under Section 66C of the Information Technology Act, 2000 ('Act, 2000') and Sections 351(2) and 351(4) of Bharatiya Nyaya Sanhita, 2023 ('BNS') and to quash the charge sheet No.103/2025 registered on 18.08.2025 for the aforementioned offences and to quash the criminal proceedings in C.C. No.1548/2025 pending before the JMFC (VI Court), Mangaluru - D.K.

2. Learned counsel appearing for the petitioners would urge that the FIR does not refer to any role of the petitioner and the charge sheet does not disclose any offence under Section 66C of the Act, 2000.

3. It is the contention that Sections 351(2) and 351(4) of BNS which are invoked in the charge sheet are without any basis and there are no ingredients of such offences in the complaint and the FIR could not have been registered for the said offence.

4. Learned counsel for the petitioner would urge that since the ingredients of Sections 351(2) and 351(4) are not forthcoming, the charge sheet could not have been filed for the aforementioned offences.

5. The learned High Court Government Pleader would submit that after investigation charge sheet is filed. Charge sheet materials *prima facie* disclose the offences for which the petitioner is charged.

6. The Court has considered the contentions raised at the Bar and perused the records.

7. The contents of the complaint registered by the police would disclose that the complaint is lodged by a police constable who was assigned with the responsibility of monitoring the social media contents. It is alleged in the complaint that when the complainant was monitoring the social

media account, he noticed a news item in TV5 Kannada Facebook Account. It is stated in the complaint that he was informed that a comment, "**Next target sharanpumpwell. Sharan b ready to die**" was published.

8. The complainant claims that he analysed the comments in the said Facebook publication. It is stated that from an account under the name "sajow cont", the aforementioned comment was published.

9. Based on the aforementioned information the complaint is filed and later, the charge sheet is filed.

10. The learned counsel for the petitioner would urge that Section 351(2)&(4) are non-cognisable offences and the charge sheet filed without permission from Magistrate to investigate the case is untenable.

11. Merely because Section 351(2)&(4) are not cognisable, the charge sheet cannot be quashed for want of permission to investigate if the complaint was lodged suspecting the other offences which were cognizable. The complaint is also lodged alleging the offence under Section 66C

of the Act, 2000 which did not mandate permission before investigation.

12. The contents of the complaint would also reveal that the complainant was asked to investigate for the offences under Section 351(4) of BNS and 66C of the Act, 2000. The Court is of the view that in the aforementioned circumstances the complainant was not required to obtain permission for investigation.

13. After investigation if the materials collected during the investigation did not disclose cognizable offence and the charge sheet is filed only for non-cognizable offence, the proceedings initiated based on the charge sheet cannot be quashed on the ground that there was no permission obtained from the Magistrate before investigating the matter.

14. Under these circumstances, the petition ***is dismissed.***

15. However, it is made clear that observations made in this order are only confined to the merits of the petition under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023

and should not be construed as having expressed anything on the merits of the defence to be raised.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

brn/chs/gvp