



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 352 OF 2026

BETWEEN:

1. RAVI S
S/O. SHAMBULINGAIAH
AGED ABOUT 54 YEARS,
MEMBER OF LEGISLATIVE COUNCIL
MALAGALU VILLAGE,
KANAKAPURA TOWN
BENGALURU CITY -560 001
2. PRIYANK KHARGE
S/O.MALLIKARJUNA KHARGE
AGED ABOUT 43 YEARS
MEMBER OF LEGISLATIVE ASSEMBLY (MLA)
CHITTAPURA ASSEMBLY CONSTITUENCY
GUNDUGURTHI VILLAGE,
JITHAPURA TALUK
C/O. SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001
3. ESHWAR KHANDRE
S/O. BEEMANNA KHANDRW
AGED ABOUT 59 YEARS
MEMBER OF LEGISLATIVE ASSEMBLY (MLA)
NO 103, 1 BLOCK, KRISHNA APARTMENT
ALI ASKER ROAD,
C/O SECRETARY OF KPCC OFFICE



CONGRESS BHAVAN
BANGALORE - 560 001

4. DR H C MAHADEVAPPA
S/O. CHIKMADAIAH
AGED ABOUT 68 YEARS
MEMBER OF LEGISLATIVE ASSEMBLY (MLA)
R/A. HADIYANURU VILLAGE,
NANJANGUDU TALUK
C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001
5. DR H D RANGANATH
S/O. DODDAIAH
AGED ABOUT 46 YEARS
MEMBER OF LEGISLATIVE ASSEMBLY (MLA)
R/A. KUNIGAL TOWN,
KUNIGAL TALUK
TUMAKURU - 571 105
6. RAGHUNANDAN RAMANNA
S/O. RAMANNA
AGED ABOUT 55 YEARS
R/A. THITTAMARANAHALLI VILLAGE,
RAMANAGARA
C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001
7. PUSHPA AMARNATH
W/O.H.B.AMARNATH
AGED ABOUT 46 YEARS
HUNSUR TOWN,
MYSURU - 570 009



8. KUSUMA H
D/O. HANUMANTHARAYAPPA
AGED ABOUT 37 YEARS
NO 703, MARUTHI NILAYA,
DR AIT COLLEGE,
C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001
9. T B JAYACHANDRA
S/O. LATE BORAIAH
AGED ABOUT 76 YEARS
MEMBER OF LEGISLATIVE ASSEMBLY (MLA)
R/A. THIMMANAHALLI VILLAGE,
CHIKANAYAKANAHALLI
C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001
10. PT PARAMESHWARA NAIK
S/O. THAVARYA NAIK
AGED ABOUT 60 YEARS
R/A. NO 9TH WARD,
HOOVINAHADAGALLI
HADAGALI TALUK,
C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001
11. RIZWAN ARSHAD
S/O. R Q ARSHAD
AGED ABOUT 46 YEARS
MEMBER OF LEGISLATIVE ASSEMBLY (MLA)
R/A NO 24, VADREVU APARTMENT,
J 2 CROSS, BENSAN TOWN,



C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001

12. B R YAVGAL
S/O. RANGARADDI YAVGAL
AGED ABOUT 77 YEARS
R/A NARAGUNDA
C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001

13. C S DWARAKANATH
S/O. CHOKKA SUBBAIAH
AGED ABOUT 61 YEARS
BYATARAYANAPURA
C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001

14. DR.SHARAN PRAKASH PATIL
S/O RUDRAPPA PATIL
AGED ABOUT 57 YEARS
MEMBER OF LEGISLATIVE ASSEMBLY
A/AT C/O SECRETARY OF KPCC OFFICE
CONGRESS BHAVAN
BANGALORE - 560 001

... PETITIONERS

(BY SRI. TEJAS W.K., ADVOCATE FOR
SRI SURYA MUKUNDARAJ L., ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH KANAKAPURA TOWN POLICE STATION,



REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001

2. VISHWANATH
TAHASILDAR
S/O NOT KNOWN TO PETITIONERS
AGED ABOUT 38 YEARS
A/O.TALUK OFFICE,
KANAKAPURA
RAMANAGARA - 562 117

... RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1)

THIS CRL.P IS FILED U/S.482 OF CR.P.C., PRAYING TO
QUASH ENTIRE PROCEEDINGS AS AGAINST THE PETITIONERS
IN C.C.NO.194/2022 INITIATED BY THE 1ST RESPONDENT
KANAKAPURA TOWN POLICE STATION, RAMANAGARA
DISTRICT PENDING BEFORE THE HON'BLE III ADDL CIVIL
JUDGE AND JMFC, KANAKAPURA FOR THE OFFENCES P/U/S
141, 143, 290, 336 R/W SEC.149 OF IPC AND SEC.5(3A) OF
KARNATAKA EPIDEMIC DISEASE ACT 2020 AND GRANT
RELIEFS TO THE PETITIONER HEREIN.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

Petitioners have called in question the validity of the proceedings in C.C.No.194/2022 initiated by the 1st respondent - Kanakapura Town Police Station, Ramanagara District, pending before the III Additional Civil Judge and JMFC, Kanakapura, for the offences punishable under Sections 141, 143, 290, 336 read with Section 149 of IPC.

2. It is the case of the petitioners that they had taken part in a protest in relation to implementation of the Mekedatu Project. It is further made out that a complaint was filed by the Tahsildar at Ramanagar and FIR came to be registered in Crime No. 1/2022 for the offences punishable under Sections 141, 143, 290, 336, 149 and under Section 5(3A) of the Karnataka Epidemic Diseases Act, 2020.

3. It is the further case of the petitioner that insofar as co-accused are concerned, this Court in



Crl.P.No. 3856/2023 and Crl.P.No. 10557/2023 as regards identical allegations has quashed the proceedings. It is further submitted that this Court in Crl.P.No. 5726/2026 disposed of on 16.06.2023 has passed the order considering all the legal contentions and on parity, the petitioners are entitled for setting aside of the proceedings.

4. Learned Additional SPP appearing for the State submits that in light of the observations made in Crl.P.No. 5726/2022, the proceedings will have to be set aside.

5. The observations made in Crl.P.No. 5726/2026 at Para 3 and 4 are extracted as follows:

"3. Facts, in brief, as projected by the prosecution, are as follows:

The petitioners are all Members of the Karnataka Pradesh Congress Committee ('KPCC' for short), the State unit of the Indian National Congress. The petitioners led by the President of the KPCC, accused No.1 announced that a padayatra would be undertaken in order to demand implementation



of Mekedatu Project for the benefit of the citizens of the State of Karnataka, in particular the residents of Bangalore City. It is for the said purpose, the padayatra was said to be undertaken by the KPCC from 09-01-2022 till 19-01-2022. A complaint comes to be registered on 12-01-2022 alleging that the petitioners have not taken requisite permission as the permission sought was refused by the District Magistrate in terms of his endorsement dated 06.01.2022. Notwithstanding this, padayatra was conducted. The Police after investigation filed a charge sheet in C.C.No.8717 of 2022. Identical crime was registered in which the charge sheet was also filed by the Police against accused No.1 herein, the President of the KPCC. The offences alleged therein are the ones punishable under Section 5(3A) of the Act, which is the offence alleged against the petitioners in the case at hand. This Court in Criminal Petition No.3328 of 2023 decided on 16-06-2023 interpreting the offence under Section 5(3A) of the Act has held as follows:

"7. The issue lies in a narrow compass. What triggers registration of the crime is a rally that was held by the Congress party, the President of which is the petitioner. On 10-01-2022, when the rally was in its motion, the President i.e., the petitioner between 11.30 a.m. and 12.30 p.m. visits Vishwodaya High School. The



children of the school came out of their classes and posed for a picture with the President. This incident becomes a crime in Crime No.3 of 2022 for the afore-quoted offences. What is alleged against the petitioner is, violation of the provisions of the Karnataka Epidemic Diseases Act and Section 75 of the Act. The violation is in particular to Section 5(3A) of the Karnataka Epidemic Diseases Act and Section 75 of the Act. Therefore, it becomes germane to notice those provisions of law. Section 5 of the Karnataka Epidemic Diseases Act reads as follows:

"5. Prohibition of Contravention or obstruction of Public Servant.—(1) No person, institution or company shall contravene or disobey any of the provisions of Section 4, rules, regulation or order made under this Act.

(2) No person shall obstruct any officer or any public servant while acting or purporting to act or discharging any duty in pursuance to any provisions of this Act, rules, regulations or orders made there under.

(3) No person shall indulge in any act of violence against a public servant or cause any damage or loss to any public or private property during an epidemic.

(3-A) whoever contravenes the provisions of sub-section (1) shall be punished with such fine as may be prescribed in rules or in regulations, which may extend to fifty thousand rupees or with imprisonment for a term which may extend up to three months or with both.

(4) Whoever contravenes any of the provisions of sub-section (2) or (3) shall on conviction be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees.



(5) Whoever, while committing an act of violence against a public servant, causes grievous hurt as defined in Section 320 of Indian Penal Code, 1860 (Act 45 of 1860) to such person, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees."

(Emphasis supplied)

Section 5(3A) mandates that whoever contravenes sub-section (1) shall be punished in terms of sub-section (3A). Sub-section (1) concerns that any person, institution or company contravening or disobeying any provisions of Section 4, Rules or Regulations made under the Act would become an offence and the offence would become punishable under sub-section (3A).

8. Therefore, it becomes germane to notice Section 4 of the Karnataka Epidemic Diseases Act as the contravention of Section 4 would result in an offence under Section 5. Section 4 of the Karnataka Epidemic Diseases Act reads as follows:

"4. Power to take special measures and specify regulations as to epidemic disease.—(1)
When at any time the Government is satisfied that the State or any part thereof is visited by or threatened with an outbreak of any epidemic disease, the Government may take such measures, as it deems necessary for the purpose, by notification in the Official Gazette specify such temporary regulations or orders to be observed by the public or by any person or class of persons so as to prevent the outbreak of such disease or the spread thereof and require or empower Deputy Commissioner and/or Municipal Commissioners to exercise such powers and duties as may be specified in the said regulations or orders.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Government may take measures and specify regulations,—



(a) *to prohibit any usage or act which the Government considers sufficient to spread or transmit epidemic diseases from person to person in any gathering, celebration, worship or other such activities within the State;*

(b) *to inspect the persons entering the State by air, rail, road, sea or any other means or in quarantine or in isolation, in hospital, temporary accommodation, home or otherwise of persons suspected of being infected with any such disease by the officers authorized in the regulation or orders;*

(c) *to seal State or district borders for such period as may be deemed necessary;*

(d) *to impose restrictions on the operation of public and private transport;*

(e) *to prescribe social distancing norms;*

(f) *to restrict or prohibit congregation of persons in public places and religious institutions;*

(g) *to regulate or restrict the functioning of offices, Government and Private and educational institutions in the State;*

(h) *to impose prohibition or restrictions on the functioning of shops and commercial establishments, factories, workshops and godowns;*

(i) *to restrict duration of services in essential or emergency services such as banks, media, health care, food supply, electricity, water, fuel, etc.,;*

(j) *to restrict social, political, sports, entertainment, academic, cultural or religious functions or gatherings; and*

(k) *such other measures as may be necessary for the regulation and prevention of epidemic diseases as decided by the Government."*

Section 4 mandates that in order to take special measures and specify regulations as to epidemic disease, the Government by a notification in the Official Gazette specify such



temporary regulations or orders to be observed by the public or by any person or class of persons so as to prevent the outbreak of such disease. Therefore, the fulcrum of Section 4 is issuance of a notification in the Official Gazette notifying temporary regulations or orders. It is after such notification under Section 4, if a person contravenes or disobeys those Regulations so notified, it would become an offence under Section 5 for contravention of Regulations notified under Section 4.

9. It is admitted fact that no notification is issued by the State Government under Section 4 of the Karnataka Epidemic Diseases Act. If there is no notification issued under Section 4, an offence under Section 5 cannot be laid against any person as there is no regulation that a person would contravene as contravention of the Regulations cannot be imaginary. Therefore, the very offence alleged against the petitioner was fundamentally flawed.

10. The other offence alleged is under Section 75 of the Act. Section 75 of the Act reads as follows:

"75. Punishment for cruelty to child.—

Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both:

Provided that in case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases:

Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and



protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees:

Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakhs rupees."

Section 75 makes it an offence if the person who is in-charge of the child or has control over the child assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause the child unnecessary mental or physical suffering shall become punishable for a term which may extend upto 3 years.

11. The fact that leads to the said allegation is that, the petitioner posed for a picture with the children at Vishwodaya High School, Kanakapura Taluk. The children were neither under the care or protection of the petitioner nor was he in-charge of the children. The children come out of the classes for the picture and the matter ends there. The petitioner did not have any control or in-charge over the children. The very offence is loosely laid against the petitioner, much less to say he is alleged of assault, abandoning, abusing or exposing or neglecting the children. The aforesaid facts cannot even lead to the alleged offences against the petitioner.

12. The Police have also filed a charge sheet in the matter alleging that Government has notified a Standard Operating Procedure during Covid-19 on 04-01-2022, and therefore, there has been violation of the provisions of the



Karnataka Epidemic Diseases Act, 2020. The very summary of the charge sheet clearly indicates that it is laid on imaginary lines. A trivial act which does not contain any of the ingredients of the afore-quoted offences, is laid against the petitioner. A perusal at the summary of the charge sheet would indicate the reason behind filing of the charge sheet. The summary insofar as such indication reads as follows:

"ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಕೋವಿಡ್-19 ಸಾಂಕ್ರಮಿಕ ರೋಗ ಹರಡುವುದನ್ನು ತಡೆಗಟ್ಟುವ ಸಲುವಾಗಿ ಹೊರಡಿಸಿದ್ದ RD/158/TNR/2020 Date 04/01/2022 ಕೋವಿಡ್-19 ಮಾರ್ಗಸೂಚಿಯನ್ನು ಉಲ್ಲಂಘಿಸಿ, ಮಕ್ಕಳುಗಳಿಂದ "ನಮ್ಮ ನೀರು, ನಮ್ಮ ಹಕ್ಕು" ಎಂಬ ಘೋಷಣೆಯನ್ನು ಕೂಗಿಸಿ, ಮಕ್ಕಳನ್ನು ರಾಜಕೀಯವಾಗಿ ಪ್ರೇರೇಪಿತಗೊಳ್ಳುವಂತೆ ಮಾಡಿ, ಸರ್ಕಾರಿ ಹೊರಡಿಸಿರುವ RD/158/TNR/2020 Date 04/01/2022 ಕೋವಿಡ್-19 ಮಾರ್ಗಸೂಚಿಯನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ."

The petitioner appears to have made the children to eco with him "ನಮ್ಮ ನೀರು, ನಮ್ಮ ಹಕ್ಕು". This is said to be politically influencing the children of the High School who are below 15 years of age. Therefore, none of the allegations made against the petitioner are even present in the case at hand and if only for the reason that charge sheet is filed against the petitioner, further proceedings are permitted to continue it would become an abuse of the process of law and result in miscarriage of justice."

4. *In the aforesaid order, this Court holding that the allegation of violation of the Act against accused No.1 herein who was the accused therein was not proved has allowed the petition. The said finding rendered would cover the issue in the case at hand in all its fours insofar as it pertains to the Act. The other offence alleged are all for formation of unlawful assembly as would obtain under Section 143 and 149 or 141 of the IPC. If the foundation of the allegation is under the provisions of the Act and if that cannot be laid against the petitioners, the offences under the IPC, which are an offshoot of the offences under*



the Act cannot also be laid. Therefore, for the reasons rendered in Criminal Petition No.3328 of 2023, apart from reasons rendered on all other issues in the case at hand, the petition deserves to succeed."

6. In light of the orders passed by the Co-ordinate Bench referred to above, as well as the order passed in Crl.P.No.5726/2022 with respect to the co-accused, the present criminal petition is **allowed**. The proceedings in C.C.No.194/2022 initiated by the 1st respondent - Kanakapura Town Police Station, Ramanagara District, pending before the III Additional Civil Judge and JMFC, Kanakapura, for the offences punishable under Sections 141, 143, 290, 336 read with 149 of IPC and Section 5(3A) of the Karnataka Epidemic Diseases Act, 2020, insofar as the petitioners are concerned is quashed.

SD/-
(S SUNIL DUTT YADAV)
JUDGE

VP