



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.2343 OF 2026
(482(CR.PC) / 528(BNSS))

BETWEEN:

NIJAAMUDDIN S/O. GOUSE MOHIDDIN,
AGED ABOUT 48 YEARS,
16, ALAPPANAGUDDE, KUNIGAL,
TUMKUR, KARNATAKA-572130.

...PETITIONER

(BY SRI.AYSHA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
SANJAY NAGAR POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU -560001.
2. PRAVEEN KUMAR S/O. LATE NARASIMHA,
AGED ABOUT 35 YEARS,
THE TAX INSPECTOR, WARD NO.19,
SANJAY NAGAR, BANGALORE -560094.

...RESPONDENTS

(BY SRI.K.RAHUL RAI, HCGP)

THIS CRL.P IS FILED UNDER SECTION 482 CR.PC (UNDER SECTION 528 BNSS) PRAYING TO QUASH THE CHARGE SHEET NO.67/2023 FILED AGAINST THE PETITIONER AND THE ENTIRE PROCEEDINGS IN C.C.NO.14854/2023 FOR THE OFFENCES PUNISHABLE UNDER SECTION 254 OF BBMP ACT 2020, PENDING ON THE FILE OF THE HON'BLE 8TH ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU FURTHER BE PLEASED TO GRANT SUCH OTHER RELIEFS FOR WHICH THE PETITIONER IS ENTITLED TO, IN THE INTEREST OF JUSTICE.



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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

1. This petition under Section 482 of the Code of Criminal Procedure/528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred by accused No.2 in FIR 67/2023 of Sanjay Nagar Police Station praying to quash the entire criminal proceedings.

2. FIR is registered against accused Nos.1 and 2 for the offence punishable under Section 254 of the BBMP Act, 2020. Investigation has culminated in filing of charge sheet against both the accused.

3. In Criminal Petition No.12304/2023 preferred by accused No.1, this Court quashed the entire proceedings against the said petitioner holding that the ingredients of the offence alleged are not made out and therefore, continuation of the proceedings is an abuse of process of law.



4. As per the complaint lodged by the Tax Inspector, Ward No.19, BBMP, Bengaluru City, the petitioner was distributing food kits which was brought in a lorry on behalf of accused No.1, a candidate in the election. FIR was registered invoking Section 254 of BBMP Act. It is relevant to extract paragraphs 5 to 7 of the order passed by this Court in the above referred petition.

"5. Section 254 of the BBMP Act, reads as under:

254. Prohibition of nuisance.-(1)No person shall commit any nuisance in any public street or public place, or

(a) unauthorizedly affix upon any building, monument, post, wall, fence, tree or any other public place, any bill, notice or other document, or

(b) unauthorizedly deface, or write upon, or otherwise mark on a building, monument, post, wall, fence, tree or any other public place,

(c) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Zonal Commissioner by notice, or

(d) bury or cremate or otherwise dispose of any corpse at a place not licensed for the purpose, or

(e) quarry, blast, cut timber or carry on building operations causing, or likely to cause danger to persons passing by, or dwelling or working, in the neighbourhood,

(f) disturb public peace or order in violation of sound pollution control order, if any, or



(g) cause pollution of air in violation of an air pollution control order, if any, or

(h) cause obstruction to the movement of vehicular or pedestrian traffic without permission from the competent authority.

(2) Where the Zonal Commissioner or the officer authorised in this behalf, is of the opinion that there is a nuisance as per sub- section (1) on any land or building she may, by notice, in writing, require the person by whose act, default or sufferance the nuisance arises or continues or all of the owners, lessees or occupiers of such land or building to remove or abate the nuisance by taking such measures, in such manner, and within such period, as may be specified in the notice in accordance, wherever applicable, with the provision of the Karnataka Open Places(Prevention of Disfigurement) Act, 1981 (Karnataka Act No.35 of 1982).

(3) Where the Zonal Commissioner or the officer authorised in this behalf, is of the opinion that immediate, removal of any nuisance as per sub-section(1) continuing on any land or building in contravention of the provisions of this Act is necessary, she may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith in accordance, wherever applicable, with the provision of the Karnataka Open Places(Prevention of Disfigurement) Act, 1981.

(4) Any person or group of persons who fails to comply with any order under this section shall be liable to a penalty as prescribed or in accordance 226 wherever applicable, with the provision of the Karnataka Open Places (Prevention of Disfigurement) Act, 1981 (Karnataka Act No 35 of 1982).

6. A bare perusal of the complaint averments does not indicate that the ingredients of the offences alleged are made out. If accused has caused obstruction to the movement of vehicle or pedestrian traffic by stopping the lorry on a public road for distribution of food kits, it is not specifically alleged so and there is no such complaint



by any one to that effect. There is no sufficient materials placed to show that by the act of the accused any public peace was disturbed or there was obstruction to the movement of public or traffic.

7. Be that as it may, as per clause-2 of Section 254, if the Zonal Commissioner or the Officer Authorized in this behalf, is of the opinion that there is a nuisance as per sub-section (1), a notice has to be issued in writing, to the person committing the act. Admittedly, no such notice was issued in the present case."

5. In light of the above, the petitioner is also entitled to the same relief granted to accused No.1 in Criminal Petition No.12304/2023.

6. Hence, the following:

ORDER

The petition is allowed. The entire proceedings against the petitioner/accused No.2 pending in C.C. No.14854/2023 on the file of the Court of VIII Additional Chief Metropolitan Magistrate, Bengaluru , is quashed. I.A.1/2026 is disposed of.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

kmv
CT:PA