



CNR: KAHC010155382025

NC: 2026:KHC:51073
CRL.P No. 3645 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 3645 OF 2025 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. SRIDHAR P.,
S/O PARAMESHWARAPPA R.,
AGED ABOUT 50 YEARS
R/A NO.625, 8TH B MAIN ROAD,
NEAR NETHAJI GROUND,
SANEGURUVANAHALLI,
BASAVESHWARA NAGAR
BANGALORE NORTH,
BASAVESHWARA NAGAR,
BENGALURU- 560093
2. GURUMURTHY B,
S/O LATE BHASKARACHAR,
AGED ABOUT 73 YEARS
R/A NO. 423, EWS, 3RD MAIN ROAD,
2ND STAGE, KHB COLONY,
BASAVESHWARA NAGAR,
BENGALURU-560079
3. MOHAN DASARI
S/O BHAGAVANTHAPPA
AGED ABOUT 51 YEARS
R/A G6, VS PARADISE APARTMENT,
BENGALURU-560093
SUDAAGUNTEPALYA,
CV RAMAN NAGARA,
BENGALURU-560093.



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4. VIJAY SHARMA
C/O RAMNARAYAN,
AGED ABOUT 56 YEARS
R/A NO 30/2, 5TH MAIN ROAD,
2ND STAGE, KHB COLONY,
BASAVESHWARA NAGAR
BANGALORE NORTH,
BASAVESHWARA NAGAR,
BENGALURU-560079
5. SHANTHALA DAMLE
W/O HEMANG TRIVEDI,
AGED ABOUT 52 YEARS
R/A NO 8, OLD NO 99,
3RD CROSS, BHUVANESHWARI NAGAR,
BANASHANKARI 3RD STAGE,
BENGALURU- 560085
6. PRUTHVI C REDDY
S/O C RAGHUNATHA REDDY,
AGED ABOUT 55 YEARS
R/A NO 330, 4TH A CROSS,
OMBR LAYOUT, BHUVANAGIRI,
NEAR CMR LAW COLLEGE,
BANGALORE NORTH, KALYANA NAGAR,
BENGALURU- 560043

...PETITIONERS

(BY SRI SUBAIR K. M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BASAVESHWARNAGAR P.S
REP. BY THE SPP OFFICE,
HIGH COURT OF KARNATAKA,
BENGALURU-560001
2. KUBERA
INVESTIGATING
PSI AT BASAVESHWARNAGAR P S



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FATHERS NAME NOT KNOWN
AGED ABOUT 42 YEARS
BASAVESHWARNAGAR P S
BENGALURU- 560079

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1 & R2)

THIS CRL.P FILED U/S.482(FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.13090/2021 REGISTERED BY THE 1ST RESPONDENT BASAVESHWARA POLICE STATION PURSUANT TO THE FILING OF THE CHARGE SHEET DATED 20.05.2021 IN C.C.NO.13090/2021 FOR THE OFFENCE P/US/ 269,271,283 OF IPC 1860 PENDING ON THE FILE OF THE COURT OF 24TH ACMM COURT AT BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioners are before this Court seeking for the following reliefs:

"WHEREFORE, the petitioners (Accused No.1, 2,3, 4, 5 6,) named above, humbly pray that this Hon'ble Court may be pleased to Quash the entire proceedings in C.C.No.13090/2021 registered by the 1st respondent - Basaveshwarnagar Police station pursuant to the filing of the charge sheet dated 20.05.2021 in C.C.No.13090/2021 for the offences punishable under Sections 269, 271, 283 of Indian Penal Code, 1860 pending on the file of the Court of 24th Additional C.M.M. Court at Bangalore, in the interest of justice and equity."



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2. The case of the prosecution is that the petitioners, along with about 100 to 150 other persons, participated in a padayatra as a protest against the alleged action or inaction on the part of the Government in relation to the COVID-19 pandemic. It is alleged that the petitioners, by participating in the said gathering, violated the restrictions imposed by the Government with regard to gatherings of persons and the requirement of maintaining social distancing during the pandemic.
3. On the basis of the said allegations, the petitioners have been charge-sheeted for the offences punishable under Sections 269, 271 and 283 of the Indian Penal Code.
4. Learned counsel for the petitioners submits that the allegations made against the petitioners, even if taken at their face value, do not constitute the offences alleged. It is contended that the petitioners were participating in a political protest and that there is no material in the charge-sheet to establish the ingredients of Sections 269, 271 or 283 of the Indian Penal Code.
5. Learned counsel further submits that the alleged incident relates to the year 2021 and that continuation of the criminal proceedings after considerable lapse of time would serve no useful purpose.



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6. Heard learned counsel for the petitioner and the Learned High Court Government Pleader. Perused papers.
7. There can be no dispute that the right to assemble peacefully and to express one's views, including by way of protest, is an important facet of the constitutional scheme. At the same time, the right to protest is not absolute and is subject to lawful restrictions imposed in the interests of public health, public order and other constitutionally permissible grounds.
8. The circumstances prevailing at the relevant point of time also cannot be lost sight of. The whole world and the country was confronted with the COVID-19 pandemic and restrictions had been imposed on gatherings of persons, apart from requirements relating to social distancing and other measures intended to prevent the spread of infection.
9. The petitioners, while exercising their right to protest, were equally required to comply with the restrictions which were lawfully in force at the relevant time. The fact that the gathering was in the nature of a political protest does not, by itself, exempt the participants from compliance with such restrictions.
10. However, the existence of a violation of a regulatory restriction does not, by itself, establish the ingredients of every penal provision which may be invoked in relation to



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such violation. The allegations in the charge-sheet have to be examined with reference to the specific statutory requirements of Sections 269, 271 and 283 of the Indian Penal Code.

11. The question before this Court, therefore, is not whether the petitioners ought to have participated in the gathering in the circumstances prevailing at the relevant point of time. The question is whether the material collected by the investigating agency discloses the ingredients of the particular offences for which the petitioners are sought to be prosecuted.
12. Section 269 of the Indian Penal Code deals with a negligent act which is likely to spread the infection of a disease dangerous to life. The prosecution case, as reflected in the charge-sheet, is essentially that the petitioners participated in a gathering of about 100 to 150 persons notwithstanding the restrictions imposed during the COVID-19 pandemic.
13. Mere participation in a gathering contrary to a restriction does not, without the necessary factual foundation, automatically establish the ingredients of Section 269 IPC. The prosecution must have material to demonstrate the requisite negligent act and its likelihood of spreading infection of a disease dangerous to life.



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14. On a consideration of the charge-sheet placed before this Court, there is no specific material identifying any particular negligent act attributable to any of the petitioners which was likely to spread infection. There is no allegation of any particular circumstance demonstrating how the individual acts of the petitioners constituted the negligent act contemplated by Section 269 IPC.
15. The allegation of participation in a gathering, without more, therefore does not disclose the ingredients of the offence under Section 269 IPC.
16. Section 283 IPC deals with an act or illegal omission which causes danger, obstruction or injury to any person in a public way or public line of navigation. Insofar as Section 283 IPC is concerned, a perusal of the charge-sheet does not disclose any material alleging or demonstrating that the petitioners, by participating in the padayatra, caused such danger, obstruction or injury to any person in a public way or public line of navigation. There is no specific allegation as to the particular public way involved, the nature of the obstruction or danger caused, the person affected thereby, or the particular act or illegal omission attributable to any of the petitioners which would satisfy the ingredients of Section 283 IPC.



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17. The mere fact that a number of persons participated in a padayatra, even assuming that the gathering was contrary to the COVID-19 restrictions then in force, cannot by itself constitute an offence under Section 283 IPC. In the absence of any material in the charge-sheet disclosing the requisite danger, obstruction or injury in a public way or public line of navigation, continuation of the proceedings against the petitioners for the offence punishable under Section 283 IPC cannot be sustained.
18. The Court is conscious of the extraordinary circumstances prevailing at the relevant point of time. The restrictions imposed during the COVID-19 pandemic were intended to protect public health and were required to be complied with by all persons, including those participating in demonstrations and political activities. The Court, by taking note of the fact that the petitioners were participating in a political protest, does not hold that political protests are exempt from compliance with lawfully imposed restrictions. The right to protest carries with it the obligation to comply with lawful restrictions applicable at the relevant time.
19. At the same time, the criminal law cannot be invoked merely because an act may have been contrary to a regulatory restriction unless the facts alleged satisfy the ingredients of the particular penal provision invoked.



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20. In the present case, the charge-sheet does not disclose the necessary ingredients of Sections 269, 271 and 283 IPC. In particular, insofar as Section 283 IPC is concerned, there is no material whatsoever demonstrating the essential requirement of danger, obstruction or injury to any person in a public way or public line of navigation.
21. Similarly, the allegations relating to the COVID-19 gathering, without the necessary factual foundation regarding a negligent act likely to spread infection or disobedience of a quarantine rule, do not by themselves satisfy Sections 269 and 271 IPC.
22. The alleged incident relates to the year 2021. Considerable time has elapsed thereafter. Having regard to the nature of the allegations, the material collected during investigation and the absence of the essential ingredients of the offences alleged, continuation of the criminal proceedings against the petitioners would serve no useful purpose.
23. It is also relevant that the alleged gathering was in the nature of a protest against the alleged actions or inactions of the Government. This circumstance, by itself, does not furnish immunity from criminal law. However, when the material collected by the investigating agency does not disclose the ingredients of the offences invoked,



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the continuation of the prosecution cannot be justified merely on the basis that the petitioners participated in a gathering contrary to the restrictions prevailing at the relevant time.

24. This Court is, therefore, of the considered opinion that the proceedings are liable to be quashed.
25. In that view of the matter, this court passes the following:

ORDER

- i) The Criminal Petition is **allowed**.
- ii) The proceedings in C.C.No.13090/2021 pending on the file of the 24th ACMM, Bangalore, are quashed.



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(SURAJ GOVINDARAJ)
JUDGE

VP
List No.: 1 Sl No.: 22