



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 3952 OF 2026

BETWEEN:

1. MOHAMMED ASGHAR @ MUNNA
S/O ABDUL RAB
AGED ABOUT 56 YEARS,
R/O GALIPURA,
CHAMARAJANAGAR TOWN - 571 313.
2. NAVEEN KEREHALLI
S/O KALINGAPPA,
AGED ABOUT 43 YEARS,
EX- ZILLA PANCHAYATH MEMBER,
KEREHALLI VILLAGE,
CHAMARAJANAGAR TALUK,
CHAMARAJANAGAR - 571 313.
3. MOHAN @ NAGU
S/O NAGARAJU,
AGED ABOUT 28 YEARS,
R/O AMBEDKAR BADAVANE,
RAMASAMUDRA,
CHAMARAJANAGARA - 571 313.
4. KELAMBALLI NAGENDRA
S/O SRINIVASA NAIKA,
AGED ABOUT 41 YEARS,
KELAMBALLI VILLAGE,
CHAMARAJANAGARA - 571 313.
5. SYED TOUSIF
S/O SYED AMEER,
AGED ABOUT 36 YEARS,
R/O KIRAGASUR VILLAGE,
CHAMARAJANAGARA TOWN - 571 313.



6. SYED MUSEB
S/O SYED RAFI,
AGED ABOUT 29 YEARS,
CIVIL CONTRACTOR,
REHMATH NAGARA,
SATTI ROAD,
CHAMARAJANAGARA - 571 313.

...PETITIONERS

(BY SRI. SYED AKBAR PASHA, ADVOCATE)

AND:

1. STATE BY CHAMARAJANAGARA TOWN POLICE
R/P. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU - 560 001
2. SIDDAMALLASHETTY H.C
POLICE OFFICER,
AGED ABOUT 50 YEARS,
CHAMARAJANAGARA TOWN POLICE,
CHAMARAJANAGARA - 571 313.

...RESPONDENTS

(BY SRI. RAHUL RAI K., HCGP)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS)
CR.P.C PRAYING TO QUASH THE FIR NO.54/2022 AND
PROCEEDINGS IN C.C.NO.198/2023 REGISTERED BY THE
RESPONDENT POLICE FOR THE OFFENCE P/U/S 143,149,341
OF IPC WHICH IS PENDING ON THE FILE OF THE 1ST ADDL
SENIOR CIVIL JUDGE AND JMFC CHAMARANAGARA.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ



ORAL ORDER

The petitioners are seeking to quash the FIR No.54/2022 registered at Chamarajanagar town Police Station, Chamarajanagara, and the proceedings in C.C.No.198/2023 pending before the Court of I Additional Senior Civil Judge and JMFC, Chamarajanagara.

2. Heard both sides and perused the material on record.

3. Brief facts leading to filing of this petition are that, on 16.06.2022 the first petitioner, said to be the block president, Chamarajanagar, of a political party gave representation to the police seeking permission to hold a protest on 17.06.2022. It is alleged that despite the denial of permission, a protest was held, resulting in obstruction of the public way etc.

4. FIR is registered on a *suo-motu* complaint lodged by the Head constable of Chamarajanagar Police



Station, for the offences punishable under Section 143, 341 read with Section 149 of IPC.

5. This petition is presented on multiple grounds, firstly, that the issue in the petition is covered by an order of this Court in Crl.P.No.7630/2021 and connected matter disposed vide order dated 17.08.2022 and Crl.P.No.7144/2021 vide order dated 07.06.2022 and secondly, that the police have not acted upon the representation submitted to conduct protest and not refused the same by any written order etc.

6. Learned High Court Government Pleader has opposed the prayer for quashing and sought to reject the petition.

7. As per complaint averments, in response to the representation submitted for conducting a peaceful protest, a notice was sent through WhatsApp to the mobile number of the first petitioner denying permission. However, there is no material placed to show that the



said notice was sent as stated. Secondly, according to the prosecution about 100 to 120 persons had assembled in the protest. However, the FIR and charge sheet are only against the petitioners, arraigned as accused Nos. 1 to 6.

8. The offences charge sheeted against the petitioners are under Section 143, 341 read with Section 149 of IPC.

9. It is necessary to extract the relevant paragraphs of the order passed in CrI.P.No.7144/2021 dated 07.06.2022, which reads as under: -

"3. Both the learned counsel in unison would submit that the issue in the petition stand covered by an order of this Court dated 01.04.2022 passed in CrI.P.No.893/2022, wherein this Court following the decision of the coordinate Bench has held as follows:

"7. I have carefully and cautiously gone through the submissions made by the learned counsel appearing for both the parties and perused the records.



8. On perusal of records, it is the case of the prosecution that the petitioners/accused Nos.1 to 48 have assembled and were protesting against interference and dress code imposed by AIIMS exam and also have not obtained any permission from the concerned Authorities. But as could be seen from the Licensing and Controlling of Assemblies and Public Processions (Bangalore City) Order, 2009 assembly means a congregation of more than 250 persons assembling at one place with an intention of conducting meeting or protest, to hear a public speech including political, social, religious and cultural meetings to which the public have got free access, license is required only when more than 250 persons are there. Admittedly in the instant case, the contents of the complaint and other materials indicates that only 50 persons have assembled. In that light, a license said to have been is not necessary as per the Order of 2009. The only question which remains for consideration of this Court is that whether the assembly of petitioners/accused Nos.1 to 48 had constituted an unlawful assembly as per Section 141 of IPC? In order to attract the said provision, the assembly must satisfy five ingredients which have been stated therein but on close reading of



the contents of the complaint, charge sheet material and other materials, it indicates that none of the ingredients are present as contemplated under Section 141 of IPC.

9. *Be that as it may. If 50 persons have assembled at a particular place, then under such circumstance, it cannot be held as an unlawful assembly. Mere presence of a person in an unlawful assembly cannot render a person liable unless there was a common object and he was actuated by that common object and that object is one of those set out in Section 141 of IPC. This proposition of law has been laid down by the Hon'ble Apex Court in the case of CHARAN SINGH (Quoted supra) at paragraph No.13, it has been observed as under:*

"13. Coming to the others who were armed with double-barrelled guns and country-made pistols, the question is regarding applicability of Section 149 IPC. Section 149 IPC has its foundation on constructive liability which is the sine qua non for its operation. The emphasis is on the common object and not on common intention. Mere presence in an unlawful assembly cannot render a person liable unless there was a common object and he



was actuated by that common object and that object is one of those set out in Section 141. Where common object of an unlawful assembly is not proved, the accused persons cannot be convicted with the help of Section 149. The crucial question to determine is whether the assembly consisted of five or more persons and whether the said persons entertained one or more of the common objects, as specified in Section 141. It cannot be laid down as a general proposition of law that unless an overt act is proved against a person, who is alleged to be a member of an unlawful assembly, it cannot be said that he is a member of an assembly. The only thing required is that he should have understood that the assembly was unlawful and was likely to commit any of the acts which fall within the purview of Section 141. The word "object" means the purpose or design and, in order to make it "common", it must be shared by all. In other words, the object should be common to the persons, who compose the assembly, that is to say, they should all be aware of it and concur in it. A common object may be formed by express agreement after mutual consultation, but that is by no means necessary. It may be formed at any stage by all or a few members of the assembly and the other members may just join and adopt it. Once formed, it need not continue to be the same. It may be modified or altered or



abandoned at any stage. The expression “in prosecution of common object” as appearing in Section 149 has to be strictly construed as equivalent to “in order to attain the common object”. It must be immediately connected with the common object by virtue of the nature of the object. There must be community of object and the object may exist only up to a particular stage, and not thereafter. Members of an unlawful assembly may have community of object up to a certain point beyond which they may differ in their objects and the knowledge, possessed by each member of what is likely to be committed in prosecution of their common object may vary not only according to the information at his command, but also according to the extent to which he shares the community of object, and as a consequence of this the effect of Section 149 IPC may be different on different members of the same assembly.”

10. On close perusal of the charge sheet material, it indicates that none of the ingredients specify in Section 141 of IPC are present so as to attract the provisions of Sections 141, 143, 149, 188 of IPC. When that being the case, then under such circumstances, the proceedings initiated as against petitioners/accused Nos.1 to 48 appears



to be not in accordance with law and the same is liable to be quashed

11. Accordingly, petition is allowed and the proceedings initiated in C.C. No.23259/2017 pending on the file of VIII Additional CMM, Bengalulru for the offence punishable under Section 143 read with Section 149 of IPC is hereby quashed.

The aforesaid order passed by a Co-ordinate Bench of this Court would cover, the case at hand on all its fours. That apart, no untoward incident has occurred in the protest. there was no witnesses that would speak about the incident alleged against the petitioners which has happened in a broad day light, apart from all the witnesses examined being police officials.

10. In Crl.P.No.7630/2021 and connected matter, under such circumstances, the above decision was followed by the Co-ordinate Bench of this Court.

11. In light of the above decisions and for the reasons stated *supra*, the proceedings against the



petitioners is an abuse of process of the Court and liable to be quashed. Accordingly, the following:-

ORDER

- i) Petition is ***allowed***.
- ii) Proceedings in C.C.No.198/2023 pending before the Court of I Additional Senior Civil Judge and JMFC, Chamarajanagara are ***quashed***.

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

LDC
List No.: 1 SI No.: 6