



CNR: KAHC010185532020

NC: 2026:KHC:54335
CRL.P No. 5531 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.5531 OF 2020

BETWEEN:

1. THE SPECIAL EXECUTIVE MAGISTRATE AND
DEPUTY COMMISSIONER
MANGALURU CITY
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
D.K.DISTRICT
MANGALURU-575001.
2. SURATHKAL POLICE STATION
THE POLICE INSPECTOR
MANGALURU, D.K-575001.

...PETITIONERS

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. SUHAS GOWDA M., HCGP)

AND:

1. NAWAZ
S/O IBRAHIM
AGED ABOUT 38 YEARS
GL8-60, 8TH BLOCK
CHOKKABETTU, SURATHKAL
MANGALURU
D.K. DISTRICT-575001.

...RESPONDENT

(BY SRI. ABDUL ANSAR, ADVOCATE)



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO ALLOW THE ABOVE PETITION BY SETTING ASIDE THE ORDER DATED 25.06.2019 PASSED BY THE PRL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU IN CRL.RP NO.13/2019 WHEREIN THE LEARNED SESSIONS JUDGE HAS SET ASIDE THE ORDER PASSED BY THE SPL.EXECUTIVE MAGISTRATE AND DEPUTY COMMISSIONER, MANGALURU CITY ON 01.02.2019 IN SEM/306/MN/2019 AND TO CONFIRM THE ORDER DATED 01.02.2019 PASSED BY THE RESPONDENT NO.1 IN PROCEEDINGS NO.SEM/306/MN/2019.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned High Court Government Pleader for petitioners and learned counsel for the respondent.

2. The Principal District and Sessions Judge, D.K., Mangaluru vide order dated 25.06.2019 allowed the revision petition referring the judgment of this Court in **SRI RUSTOM KERAWALLA vs. STATE OF KARNATAKA BY VARTHUR POLICE STATION** reported in **ILR 2015 KARNATAKA 300** and comes to the conclusion that learned Taluka Magistrate has not complied with the provisions of Section 111 of Cr.P.C.



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3. Having considered the principles laid down in the judgment, comes to the conclusion that impugned order suffers from impropriety and irregularity and taken note that Taluka Executive Magistrate has not verified about the truthfulness or otherwise in the said crime, more particularly, about the result of the said crime. Even respondent No.2, except mentioning about the crime number with certain offences, what it goes to show that, deliberately, respondent No.2 has not mentioned the result of the crime, so as to say, whether it resulted in filing of the charge-sheet and if the charge-sheet was filed before the Court, what was the ultimate result of the said charge sheet. So this itself goes to show that it is suppression of material facts and therefore, it was incumbent upon learned Taluka Executive Magistrate to have ascertained about the said fact. Having considered the reasoning of the Trial Court, comes to the conclusion that there is no any subjective satisfaction by the Taluka Executive Magistrate while invoking the provisions in proceeding to pass the preliminary order dated 01.02.2019 passed in SEM/306/MN/2019.



4. Learned High Court Government Pleader appearing for the petitioners would submit that the Trial Court committed an error in not considering the provisions of Sections 107 and 111 of Criminal Procedure Code in its proper perspective and committed an error in entertaining the revision petition.

5. Learned counsel appearing for the respondent would submit that Trial Judge rightly comes to the conclusion that there is no subjective satisfaction.

6. Having heard learned High Court Government Pleader for the petitioners and learned counsel for the respondent and also the reasoning given by the Trial Court, it is very clear that while initiating the proceedings, there must be subjective satisfaction as held by this Court and the Taluka Executive Magistrate did not apply his mind and even did not discuss anything about the same and there is no subjective satisfaction and nothing is discussed with regard to earlier case in Crime No.212/2015, wherein also offences under Section 143, 147, 341, 323, 504 and 506 read with Section 149 of IPC was invoked and nothing is stated in the preliminary order.



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7. Having perused the order also, only an observation is made that having perused the report, it appears there is a breach of peace and no such subjective satisfaction while passing such an order. When such being the case, I do not find any grounds to entertain the petition and the learned Trial Judge taken note of the same and passed the impugned order.

8. In view of the discussion made above, I pass the following:

ORDER

The criminal petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 21