



CNR: KAHC010336652024

NC: 2026:KHC:51920  
WP No. 16616 of 2024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21<sup>ST</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE V SRISHANANDA**

**WRIT PETITION NO. 16616 OF 2024 (GM-RES)**

**BETWEEN:**

MOHAMMED ARIF,  
S/O RAJAB  
AGED ABOUT 42 YEAS  
RESIDING AT 3-204,  
RASHMIYA MANSION,  
BHARATHNAGAR, ULİYARGOLI VILLAGE,  
KAPU TALUK, UDUPI DISTRICT - 574 105.

...PETITIONER

(BY SMT. HALEEMA AMEEN, ADVOCATE)

**AND:**

THE STATE BY SHO,  
KAPU POLICE STATION  
REPRESENTED BY STATE PUBLIC PROSECUTOR,  
AMBEDKAR VEEDHI  
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. WAHEEDA M.M, HCGP)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC.482 OF CR.P.C PRAYING TO QUASHING THE ORDER OF COGNIZANCE TAKEN DTD 24.04.2023 PRODUCED AT ANNEX-A IN RESPECT OF THE PETITIONER HEREIN PENDING ON THE FILE OF THE II ADDL CIVIL JUDGE AND JMFC UDUPI IN CC NO. 1146/2023 (CRIME NO. 05/2023 OF KAPU PS) FOR OFEENCE PUNISHABLE U/S 379 OF IPC AND SECTION 4, 5, 7 AND 12 OF KARNATAKA PROTECTION OF CATTLE AND PREVENTION OF COW SLAUGHTER ACT 2020 AND ETC.,



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THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

**ORAL ORDER**

1. Heard Smt.Haleema Ameen, learned counsel for the petitioner and Smt.Waheeda M. M., learned High Court Government Pleader for the respondent.

2. Accused No.1 is the petitioner in CC No.1146/2023 on the file of II Additional Civil Judge and JMFC, Udupi.

3. Facts which lead in filing of the charge sheet is that on credible information received by PSI, Kapu Police Station, formed a raid team comprising of himself, sub-staff and secured two witnesses who act as panchas for the alleged raid wherein he had the information that somebody is illegally slaughtering the cow.

4. As per instructions, raid team proceeded to the place of incident which is behind the bottle factory of Mr.Rajak situated at Mallaru village near Badagara guttu. They parked



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the jeep and carefully watched what was going on near the place of incident and noted that there was cow slaughtering.

5. Immediately, they raided the place of incident and two persons who were indulged in slaughtering the cow, ran away on seeing the police. Head of the raid party was able to identify the present petitioner but could not identify another person. Raid team chased both of them; but both of them could escape from the clutches of the raid team.

6. Raid team returned to the place of incident wherein they noticed that there was a motorcycle bearing No.KA-20/ET-9675. From the motorcycle, on the petrol tank cover, the raid team was able to seize a photocopy of the driving license belonging to the petitioner and RC documents with regard to the said motorcycle.

7. Raid team also noticed that there were two heads of two slaughtered cows with black colour skin and about nine gunny bags containing about 200 kilograms beef, an iron sword and other equipments which was used for slaughtering the cow. They seized the same in the presence of panchas and



registered the case against the petitioner and an unknown person.

8. After thorough investigation, charge sheet came to be filed against the petitioner for the offence punishable under Sections 4, 5, 7 and 12 of the Karnataka Prevention of Cow Slaughter and Cattle Prevention Act, 2020 and Section 379 of Indian Penal Code, 1860.

9. Learned Trial Magistrate on receipt of the charge sheet, took cognizance and is proceeding with the case in CC No.1146/2023.

10. Order taking cognizance and filing of the charge sheet is called in question in this petition.

11. Learned counsel for the petitioner reiterating the grounds urged in the petition would contend that there is no complainant and therefore, *per se* offence under Section 379 of Indian Penal Code would not get attracted. Insofar as remaining offences, the person is not authorized in that regard who registered the crime and investigated the matter.



Therefore, continuation of the criminal case would result in abuse of process of law.

12. She would also contend that petitioner has been falsely implicated in the case as admittedly there is no nexus between the incident and the petitioner and alleged seizure of the documents did not belong to the petitioner and thus sought for quashing the pending criminal case.

13. Per contra, learned High Court Government Pleader would support filing of the charge sheet and would contend that necessary documentary evidence is collected by the investigation Agency besides the statement of the head of the raid party, sub-staff and the panchas and thus sought for dismissal of the petition.

14. Having heard the arguments of both the parties, this Court noted the material on record.

15. On such perusal of the material on record, it is to be noted that what has been seized is about 200 kilograms of beef stored in about nine gunny bags. What is the reason for the Investigation Officer or head of the raid party to falsely



implicate the present petitioner by implanting 200 kilograms of beef is a question that needs to be looked into during the trial.

16. Insofar as documents that are been collected by the investigation agency and seizure of the motorcycle, *prima facie* would indicate that presence of the petitioner in the place of incident.

17. It is not the case of the petitioner either that the motorcycle belonging to the petitioner has been seized from his house.

18. All these factors when viewed cumulatively, for the purpose of finding out whether the continuation of the criminal case would amount to abuse of process of law, this Court is satisfied that the official acts of the head of the raid party and the Investigation Officer has got a presumption under Section 114(e) of the Indian Evidence Act which is no doubt a rebuttable presumption.

19. Therefore, the disputed questions cannot be decided by this Court, that too while holding a mini trial in the writ jurisdiction.



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20. Suffice to say that the material available on record would be sufficient enough for the petitioner to face the trial.

21. As such, following:

**ORDER**

Petition is ***dismissed***.

**Sd/-  
(V SRISHANANDA)  
JUDGE**

KAV  
List No.: 1 Sl No.: 75