



CNR: KAHC010600782026

NC: 2026:KHC:47967
CRL.P No. 13321 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 13321 OF 2026

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. MR.SHALEEN SAHAY
AGED ABOUT 33 YEARS,
S/O. RAJIVA RANJAN SAHAY
RESIDING AT NO. B45,
SECTOR-D2,MOTIBAGH,
CHANAKYAPURI,
NEW DELHI, DELHI - 110021.

...PETITIONER

(BY SRI. SIDDHARTH SUMAN.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CUBBON PARK POLICE STATION,
BENGALURU CITY,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
VIDHANA VEEDHI,BENGALURU - 560001.
2. MR. VIJAY B
AGED ABOUT 45 YEARS,
ASSISTANT SUB-INSPECTOR
CUBBON PARK SUB-DIVISION,
BENGALURU CITY-560 001

...RESPONDENTS

(BY SMT. DEEPTHI ALVA HCGP FOR R1)

Digitally
signed by
CHETAN B C
Location:
High Court
of Karnataka



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THE CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO 1.QUASH THE FIR REGISTERED AS CR.NO.208/2025 BY CUBBON PARK P.S. I.E RESPONDENT NO.1 FOR THE OFFENCE P/U/S 132 OF BNS AND THE COMPLAINT DATED 10.12.2025 I.E ANNEXURE A AND B2.QUASH THE CHARGE SHEET FILED BY THE RESPONDENT NO.1 POLICE DATED 18.02.2026 IN C.C.NO.22283/2026 ON THE FILE OF THE 41ST A.C.J.M BENGALURU FOR THE OFFENCE P/U/S 132,115(2) OF BNS 2023 I.E ANNEXURE-C; SET ASIDE THE ORDER DATED 08.04.2026 PASSED BY THE HONBLE 41ST ADDL.C.J.M AT BENGALURU IN C.C.NO.22283/2026 TAKING COGNIZANCE OF THE OFFENCE P/U/S 132,115(2) OF BNS 2023 AGAINST THE PETITIONER

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before the court seeking the following prayer:

"I. quash the FIR registered as Crime No.0208/2025 by Cubbon Park P.S i.e Respondent No. 1, for the offence punishable under Sections 132, of the Bharatiya Nyaya Sanhita, 2023 (BNS), and the complaint dated 10.12.2025 i.e. Annexure- A and B.



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II quash the charge sheet filed by the Respondent No.1 Police dated 18.02.2026 in C.C. No.22283/2026 on the file of the 41st Additional Chief judicial Magistrate, Bengaluru for the offences punishable under Sections 132, and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), i.e. Annexure - C.

III. set aside the order dated 08.04.2026 passed by the Hon'ble 41st Additional Chief judicial Magistrate at Bengaluru, in C.C. No.22283 taking cognizance of the offences punishable under Sections 132, and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), against the Petitioner i.e. Annexure - D, in the interest of justice."

2. Heard Sri Siddharth Suman, learned counsel appearing for the petitioner and Smt. Deepthi Alva, learned High Court Government Pleader for respondent No.1-State.

3. An incident that happens on 09.12.2025, in the form of an altercation between an on duty officer and the petitioner. This act has resulted in the registration of a crime against the petitioner. The police conduct investigation and file a charge sheet.

4. The learned counsel for the petitioner submitted that he had filed an affidavit of undertaking that he would not repeat the instances that led to the registration of the crime. The affidavit reads as follows:



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AFFIDAVIT

"I SHALEEN SAHAY, son of Rajiv Ranjan Sahay, aged about 33 years, residing at No. B-45. Sector D2. Moti Bagh, Chanakyapuri, New Delhi-110021, presently at Bengaluru, do hereby solemnly affirm and state on oath as follows:

1. I state that I am the Petitioner in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and I am well acquainted with the facts and circumstances of the case and, therefore competent to swear to this affidavit.

2. I state that the present petition has been filed, inter alia, seeking to:

a. quash the FIR registered in Crime No. 0208/2026 by the Cubbon Park Police Station for the offence punishable under Section 132 of Bharatiya Nyaya Sanhita, 2023, pursuant to the complaint dated 10.12.2025;

b. quash the charge sheet dated 18.02.2026 filed by Respondent N Police in C.C. No. 22283/2026 on the file of the learned XLI Addit Chief Judicial Magistrate, Bengaluru, for the offences punishable L ections 132 and 115(2) of the Bharatiya Nyaya Sanhita, 2023; and

c. set aside the order dated 08.04.2026 passed by the learned Additional Chief Judicial Magistrate, Bengaluru, in C.C. No. 22283/2026 taking cognizance of the offences punishable under Sections 132 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 against me.

3. I state that this Hon'ble Court taking note of the fact that I had tendered my unconditional apology before this Hon'ble Court as well as immediately after the incident in question was pleased to stay all further proceedings subject to my filing an affidavit expressing my unconditional apology in respect of the incident that took place during the intervening night of 09. 12. 2025 and 10. 12.2025



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4. I state categorically that my actions during the incident in question were wholly inadvertent and were neither deliberate nor intentional. At no point of time did I have any intention whatsoever to interfere with Respondent No.2 in the discharge of his official duties or to obstruct him in the performance thereof

5. I state that I had, immediately after the incident, expressed my regret and tendered an unconditional apology to Respondent No.2 for my actions. I reiterate that I never intended to insult, disrespect or cause any harm whatsoever to Respondent No. 2. nor did I intend to interfere with prevent or deter him from discharging his official duties.

6. I state that I come from a family with a distinguished background in the Police Department and have, from a very young age, been brought up with the highest regard and respect for the police force and for the duties discharged by police personnel. My father is an M.Sc. Gold Medalist who joined the police service in the year 1985 and went on to hold several important assignments during the course of his distinguished career. He as conferred a United Nations Award in the year 1994 while serving with United Nations in Africa and was also a recipient of the President's ice Medal for Meritorious and Distinguished Service. His last assignment was as an Additional Director General of the Central Industrial Security Force (CISF), where he was entrusted with the responsibility of heading Airport and VIP Security for the country. Having been brought up in such an environment, I have always held the police force and its personnel in the highest esteem and would never intentionally insult, or undermine the authority of a police officer in the discharge of his Official duties.

7. I state that I have not committed any act which would amount to assault or use of criminal force against a public servant, much less Respondent No.2, while acting in the execution of his duty as a public servant, nor did I have any intention to prevent or deter Respondent No 2 from discharging his duty as a public servant or act in consequence of anything done or attempted to be done by Respondent No 2 in the lawful discharge of his duties. I



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further state that I did not cause or intend to cause any hurt whatsoever to Respondent No 2.

8. Be that as it may, irrespective of how any of my actions during the incident in question may have been perceived or construed. I sincerely and deeply regret the occurrence. I once again, without any reservation or qualification whatsoever, tender my unconditional apology to Respondent No.2 and express my sincere regret for the incident. I assure this Hon'ble Court that I have the highest regard for the authority of law and for public servants discharging their official duties and that no such incident shall recur in future.

9. I state that the present affidavit is being filed in compliance with the order passed by this Hon'ble Court and in furtherance of the unconditional apology tendered by me before this Hon'ble Court.

WHEREFORE, I most humbly pray that this Hon'ble Court may be pleased to take the present affidavit and the unconditional apology tendered by me on record and consequently allow the present Criminal Petition, in the interest of justice and equity."

In the light of the affidavit of the petitioner as afore-quoted and also the fact that the ingredients of the offences are not made out against the petitioner, the continuation of the criminal proceedings would amount to an abuse of the process of the law. Accordingly, I pass the following:

ORDER

- i) The Criminal Petition is allowed;



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- ii) The impugned proceedings in C.C. No.22283/2026 on the file of the XLI Additional Chief Judicial Magistrate, Bengaluru, stands quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

HR
List No.: 2 SI No.: 63