



CNR: KAHC010682302023

NC: 2026:KHC:51193
CRL.P No. 32 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 32 OF 2024

BETWEEN:

1. M. THIMMEGOWDA
S/O LATE MUTHEGOWDA
AGED ABOUT 73 YEARS,
R/AT NO.65,
VANIVILAS ROAD,
BASAVANAGUDI
BENGALURU-04
2. T THIMMEGOWDA @ GANESH
S/O CHICKKAMUTHAIAH
AGED ABOUT 39 YEARS,
R/AT NO.690/0
14TH MAIN ROAD,
OPP: VET COLLEGE
2ND STAGE, BENGALURU
BANGALORE-560 078

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. NOOR UL HUSSAIN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BIDADI POLICE STATION
HIGH COURT BUILDING,



CNR: KAHC010682302023

NC: 2026:KHC:51193
CRL.P No. 32 of 2024

REPRESENTED BY
STATE PUBLIC PROSECUTOR
BANGALORE-560 001
(BIDADI POLICE)

2. MAHANTESHMULAGE
S/O VEERASHETTY
AGED ABOUT 33 YEARS
ASSISTANT DIRECTOR OF FISHERIES
RAMANAGARA DISTRICT
RAMANAGARA-562 159.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
R2-SERVED, UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH THE PROCEEDINGS IN C.C.47/2022, ON THE FILE OF
THE PRINCIPAL CIVIL JUDGE (SR.DV.) CJM AT RAMANAGARA
DISTRICT, FOR THE ALLEGED OFFENCE P/U/S.188,278,328 OF
IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking
to quash proceedings against the petitioners - accused Nos.5
and 6 in C.C.No.47/2022 (arising out of Crime No.2/2021 of
Bidadi Police Station), for the offences punishable under



CNR: KAHC010682302023

sections 188, 278, 328 of IPC, presently pending on the file of
Prl. Senior Civil Judge and CJM, Ramanagara (for short, 'the
learned Magistrate').

2. The factual matrix of the case is that, the
petitioners are the owners of 30 acres of land bearing Sy.Nos.1
and 3, situated at Kanchugaranahally Village, Bidadi Hobli,
Ramanagara, and had permitted accused Nos.1 to 4 to rear fish
in the said property. Accordingly, accused Nos.1 to 4 were
rearing catfish in the land belonging to the petitioners.

3. It is further stated that respondent No.2 lodged a
suo motu complaint before respondent No.1-Police against the
petitioners, accused Nos.1 to 4 and others. Based on the said
complaint, respondent No.1-Police registered FIR in Crime
No.2/2021 dated 02.01.2021 for the offences punishable under
Sections 188, 278 and 328 of IPC. Upon completion of
investigation, the police filed the charge sheet against the
petitioners and other accused, wherein the petitioners were
arrayed as accused Nos.5 and 6. The learned Magistrate
thereafter took cognizance of the alleged offences. Aggrieved
by the same, the petitioners have preferred this petition.



CNR: KAHC010682302023

NC: 2026:KHC:51193
CRL.P No. 32 of 2024

4. Heard the learned counsel for the petitioners and learned HCGP. Despite service of notice to respondent No.2, he remained absent.

5. The primary contention of the learned counsel for the petitioners is that the petitioners are merely the landowners and had absolutely no knowledge that accused Nos.1 to 4 were rearing catfish in their land. He further contended that, to constitute a criminal offence, the requisite *mens rea* must be established. On perusal of the charge sheet materials in their entirety, there is no statement of any witness indicating that the petitioners had colluded with accused Nos.1 to 4 or had any involvement in the alleged act of rearing catfish. In the absence of any material *prima facie* indicating the involvement or knowledge of the petitioners in the alleged offence, the learned counsel contended that continuation of the proceedings against them would amount to an abuse of the process of law. Accordingly, he prays to allow the petition.

6. *Per contra*, the learned HCGP contended that, despite the prohibitory order issued by the State Government against rearing catfish, the petitioners, in collusion with



CNR: KAHC010682302023

accused Nos.1 to 4, permitted them to rear catfish in their land. Therefore, the offences alleged are equally attracted against the petitioners along with accused Nos.1 to 4. He further contended that the charge sheet materials disclose that CWs.1 and 4 to 17, who were members of the raiding team, have categorically stated in their statements recorded by the police that they were present during the raid and at the time of drawing up the mahazar. In view of such material available on record, the involvement of the petitioners requires to be examined during trial and, at this stage, the proceedings against them cannot be quashed. Accordingly, he prays for dismissal of the petition.

7. I have given my anxious consideration to the submission made by the learned counsel for the petitioners and learned HCGP so also perused the documents available on records.

8. As could be gathered from records, the petitioners, without executing any agreement or lease deed, had permitted accused Nos.1 to 4 to rear catfish in their field. The charge sheet further discloses that accused Nos.1 to 4 were, in fact,



CNR: KAHC010682302023

rearing catfish in the said land. It is also evident from the charge sheet materials that, when the police conducted the raid, they found as many as 40 ponds in the field belonging to the petitioners, wherein accused Nos.1 to 4 were engaged in rearing catfish.

9. In view of the aforesaid circumstances, particularly the existence of a large number of ponds in the petitioners' field and the rearing of catfish therein, it cannot, at this stage, be accepted that the petitioners had no knowledge of the activities being carried on by accused Nos.1 to 4 in their land.

10. A Co-ordinate Bench of this Court, by judgment passed in Crl.P.No.1151/2024, partly allowed the petition filed by accused Nos.1 to 4 by holding that the offence punishable under Section 328 of the IPC, as invoked in the charge sheet, is not attracted to the facts and circumstances of the case. The relevant portion of paragraph No.5 and 6 of the said judgment reads as under:

"6. The allegation made against the petitioners herein is that, in spite of a prohibitory order, catfish was being



CNR: KAHC010682302023

reared, in violation of the same. Under the circumstances, in my opinion, cognizance can be taken against the petitioners only for the offences punishable under Sections 188 and 278 of the IPC. Section 328 of the IPC pertains to causing hurt by means of poison, etc. with intent to commit an offence in respect of a human being. By no stretch of imagination, rearing of a catfish can attract the said provision."

11. Placing reliance on the above judgment, the offence under Section 328 of IPC does not attract against these petitioners also. As far as the other offences under Sections 278 and 188 of IPC are concerned, the proceedings against these petitioners also cannot be quashed. Accordingly, I proceed to pass the following:

ORDER

*i. The criminal petition is **allowed in part.***

ii. The impugned order passed by the Principal Senior Civil Judge and CJM at Ramanagara, insofar as it relates to



CNR: KAHC010682302023

taking cognizance of the offence against the petitioners-accused No.5 and 6 regarding commission of an offence under Section 328 of the IPC is quashed.

ii. Insofar as it relates to taking cognizance of the offences under Sections 188 and 278 of the IPC is upheld.

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 16