



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 17222 OF 2025

BETWEEN:

1. SRI. CHANDRASHEKHARA BALI
AGED ABOUT 68 YEARS
S/O BALAPPA BALI
70, BAJAR ROAD
MANOLLI, BELGAUM MANOLI
KARNATAKA - 591 117.
2. SRI. HIRAMANI LAKXMAN MUCHANDIKAR
AGED ABOUT 36 YEARS
S/O LAKXMAN MUCHANDIKAR
PATILA GALLI, KANABARGI.
BELAGAVI - 590 016
KARNATAKA.

... PETITIONERS

(BY SRI. ANITHA S.M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH THE APMC YARD POLICE STATION
BELAGAVI, KARNATAKA.
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU-560 001

Digitally
signed by
PRAKASH N
Location:
HIGH COURT
OF
KARNATAKA



2. THE POLICE INSPECTOR
APMC POLICE STATION
BELAGAVI URBAN-590 001

... RESPONDENTS

(BY SRI. B.N. JAGADEESHA, ADDL. SPP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS INITIATED WHICH IS PENDING ON THE FILE OF 42ND A.C.J.M (SPL.COURT TO DEAL WITH CRIMINAL CASES RELATED TO MPs/MLAs TRIABLE BY MAGISTRATE IN STATE OF KARNATAKA) AT BENGALURU IN C.C.NO.14396/2022 FOR THE OFFENCE P/U/S 5(1),5(4) OF KARNATAKA EPIDEMIC DISEASES ACT 2020.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition has been filed challenging the validity of the proceedings in C.C.No.14396/2022 pending on the file 42nd ACJM at Bengaluru.

2. The brief facts made out are that the petitioner claims to be a social worker identified with the Political Party. It is submitted that the event "Janasevak Samavesha" was organized on 17.01.2021 aimed at



providing essential services and disseminating information regarding public welfare schemes.

3. It is further made out that the Police Inspector, APMC Police Station lodged a police complaint before the respondent-Police against the petitioner alleging that the petitioner had conducted the event in violation of the guidelines laid down by the Government in connection with COVID-19 Pandemic Crime No.58/2021 was registered for the offences punishable under Sections 5 (1) and 5 (4) of the Karnataka Epidemic Diseases Act, 2020 ("the Act", for short).

4. It is submitted that though charge-sheet has been filed after investigation, however insofar as co-accused are concerned, with respect to the same case registered against the petitioner as well, proceedings have been quashed in terms of order passed in CrI.P 3328/2023 dated 16.06.2023 and CrI.P 11226/2025 dated 10.09.2025.



5. It is submitted that the Coordinate Bench has taken note that in the absence of relevant notification under Section 4 of the Karnataka Epidemic Diseases Act, 2020, the question of any offence under Section 5 being committed does not arise.

6. Perused the order passed in Crl.P 11226/2025 as well as the observations made in the order in Crl.P No.3328/2023 disposed of on 16.06.2023.

7. The observations made in Crl.P 3328/2023 extracted at para 3 of the order in Crl.P 11226/2025 reads as follows:

*"The learned counsel for the petitioner submits that the issue in the lis stands covered by the judgment rendered by this Court in **Crl.P.No.3328 of 2023**, disposed on **16.06.2023**, wherein this Court has held as follows and it is not disputed by the respondent.*

"7. The issue lies in a narrow compass. What triggers registration of the crime is a rally that was held by the Congress party, the President of which is the petitioner. On 10-01-2022, when the rally was in its motion, the President i.e., the petitioner between 11.30 a.m. and 12.30 p.m. visits Vishwodaya High School.



The children of the school came out of their classes and posed for a picture with the President. This incident becomes a crime in Crime No.3 of 2022 for the afore-quoted offences. What is alleged against the petitioner is, violation of the provisions of the Karnataka Epidemic Diseases Act and Section 75 of the Act. The violation is in particular to Section 5(3A) of the Karnataka Epidemic Diseases Act and Section 75 of the Act. Therefore, it becomes germane to notice those provisions of law. Section 5 of the Karnataka Epidemic Diseases Act reads as follows:

"5. Prohibition of Contravention or obstruction of Public Servant.—(1) No person, institution or company shall contravene or disobey any of the provisions of Section 4, rules, regulation or order made under this Act.

(2) No person shall obstruct any officer or any public servant while acting or purporting to act or discharging any duty in pursuance to any provisions of this Act, rules, regulations or orders made there under.

(3) No person shall indulge in any act of violence against a public servant or cause any damage or loss to any public or private property during an epidemic.

(3-A) whoever contravenes the provisions of sub-section (1) shall be punished with such fine as may be prescribed in rules or in regulations, which may extend to fifty thousand rupees or with imprisonment for a term which may extend up to three months or with both.



(4) Whoever contravenes any of the provisions of sub-section (2) or (3) shall on conviction be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees.

(5) Whoever, while committing an act of violence against a public servant, causes grievous hurt as defined in Section 320 of Indian Penal Code, 1860 (Act 45 of 1860) to such person, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees."

(Emphasis supplied)

Section 5(3A) mandates that whoever contravenes sub-section (1) shall be punished in terms of sub-section (3A). Sub-section (1) concerns that any person, institution or company contravening or disobeying any provisions of Section 4, Rules or Regulations made under the Act would become an offence and the offence would become punishable under sub-section (3A).

8. Therefore, it becomes germane to notice Section 4 of the Karnataka Epidemic Diseases Act as the contravention of Section 4 would result in an offence under Section 5. Section 4 of the Karnataka Epidemic Diseases Act reads as follows:



"4. Power to take special measures and specify regulations as to epidemic disease.—(1) When at any time the Government is satisfied that the State or any part thereof is visited by or threatened with an outbreak of any epidemic disease, the Government may take such measures, as it deems necessary for the purpose, by notification in the Official Gazette specify such temporary regulations or orders to be observed by the public or by any person or class of persons so as to prevent the outbreak of such disease or the spread thereof and require or empower Deputy Commissioner and/or Municipal Commissioners to exercise such powers and duties as may be specified in the said regulations or orders.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Government may take measures and specify regulations,—

(a) to prohibit any usage or act which the Government considers sufficient to spread or transmit epidemic diseases from person to person in any gathering, celebration, worship or other such activities within the State;

(b) to inspect the persons entering the State by air, rail, road, sea or any other means or in quarantine or in isolation, in hospital, temporary accommodation, home or otherwise of persons suspected of being infected with any such disease by the officers authorized in the regulation or orders;

(c) to seal State or district borders for such period as may be deemed necessary;



(d) to impose restrictions on the operation of public and private transport;

(e) to prescribe social distancing norms;

(f) to restrict or prohibit congregation of persons in public places and religious institutions;

(g) to regulate or restrict the functioning of offices, Government and Private and educational institutions in the State;

(h) to impose prohibition or restrictions on the functioning of shops and commercial establishments, factories, workshops and godowns;

(i) to restrict duration of services in essential or emergency services such as banks, media, health care, food supply, electricity, water, fuel, etc.,;

(j) to restrict social, political, sports, entertainment, academic, cultural or religious functions or gatherings; and

(k) such other measures as may be necessary for the regulation and prevention of epidemic diseases as decided by the Government."

Section 4 mandates that in order to take special measures and specify regulations as to epidemic disease, the Government by a notification in the Official Gazette specify such temporary regulations or orders to be observed by the public or by any person or class of



persons so as to prevent the outbreak of such disease. Therefore, the fulcrum of Section 4 is issuance of a notification in the Official Gazette notifying temporary regulations or orders. It is after such notification under Section 4, if a person contravenes or disobeys those Regulations so notified, it would become an offence under Section 5 for contravention of Regulations notified under Section 4.

9. It is admitted fact that no notification is issued by the State Government under Section 4 of the Karnataka Epidemic Diseases Act. If there is no notification issued under Section 4, an offence under Section 5 cannot be laid against any person as there is no regulation that a person would contravene as contravention of the Regulations cannot be imaginary. Therefore, the very offence alleged against the petitioner was fundamentally flawed.

8. In the instant case, the petitioner organized a "Janasevak Samavesha" on 17.01.2021, aimed at providing essential services and to provide information regarding public welfare schemes, in which it is alleged that there were gathering of persons in violation of the guidelines laid down by the Government in the light of COVID-19 pandemic and proceedings have been initiated under the Karnataka Epidemic Diseases Act, 2020 as



mentioned above. Admittedly, in the absence of relevant notification under Section 4 of the Act, proceedings could not have been initiated against the petitioner under Section 5 of the Act. Hence, on this ground, the proceedings against the petitioner is liable to be set aside.

9. Hence, the following:

ORDER

- (i) *The Criminal Petition is **allowed**.*
- (ii) *The proceedings in C.C.No.14396/2022 pending on the file of the 42nd Additional Chief Metropolitan Magistrate (Special Court for trial of cases against sitting as well as former MPs/MLAs, triable by Magistrate in the State of Karnataka), qua the petitioner, stand quashed."*

10. Taking note that the petitioner is entitled for same relief as the legal position that there is no



notification under Section 4 of the Act stands uncontroverted, the present petition also deserves to be allowed by observing that in the absence of Section 4 notification, the question of offence being committed in terms of Section 5 does not arise, petition requires to be allowed.

11. Accordingly, the petition is allowed. The proceedings in C.C.No.14396/2022 pending on the file of 42nd Additional Chief Metropolitan Magistrate (Special Court for trial of cases against sitting as well as former MPs/MLAs, triable by magistrate in the State of Karnataka), qua the petitioner stands quashed.

SD/-
(S SUNIL DUTT YADAV)
JUDGE

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