HC-KAR
NC: 2026:KHC:59547
CRL.P No. 1432 of 2022
CNR: KAHC010072462022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1432 OF 2022

BETWEEN:

1. JABIULLA
   S/O BASHEER SAB
   AGED ABOUT 32 YEARS
   RESIDING AT HOUSE NO.77
   ELECTRONIC CITY
   MEENAKSHI NAGARA
   BANGALORE-560 086.

2. JABI S/O KHASIM SAB
   AGED ABOUT 39 YEARS
   RESIDING AT VIDYA NAGARA
   SIRA TOWN
   TUMAKURU-572 103.

...PETITIONERS

(BY SRI. LAKSHMIKANTH K., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY SIRA POLICE STATION
   TUMAKURU DISTRICT
   REP. BY ITS STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BANGALORE-560 001.

2. RAFI ULLA KHAN
   S/O HABIB ULLA KHAN

AGED ABOUT 55 YEARS
RESIDING AT NAYAKARAHATTI
SIRA TOWN
TUMAKURU-572 137.

…RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH PROCEEDINGS IN S.C.NO.146/2021 PENDING ON THE FILE OF THE VI ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 149, 302, 504 OF IPC.

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 counsel for the petitioners and learned High Court Government Pleader for respondent No.1.

2. This petition is filed by accused Nos.4 and 5 praying this Court to quash initiation of proceedings in S.C.No.146/2021 for the offence punishable under Sections 143, 147, 149, 302 and 504 of IPC.

3. The main contention of learned counsel for the petitioners is that a false case has been registered against

these petitioners arraigning them as accused Nos.4 and 5. The counsel brought to notice of this Court PM report and in the PM report, the final opinion is given that no external injuries present over the body and death is also an account of heart ailment and he passed away. It is also categorically stated that it is a natural death, as a result of myocardial infraction (MI). The counsel also brought to notice of this Court by furnishing final opinion of deceased and specifically stated that no demonstrable external injuries are found. The counsel also brought to notice of this Court inquest report, wherein also it is categorically mentioned that no external injuries are found. The counsel also brought to notice of this Court that this Court in Crl.R.P.No.781/2023 dated 25.07.2023 in respect of other accused is concerned i.e., accused No.1 and so also, Crl.R.P.No.613/2023 dated 31.05.2023 in respect of accused Nos.2 and 3 and considering the factual aspects of the matter, discharged the accused in the said case for the offences, since they had filed an application for discharge and the same were rejected and in view of already quashing the proceedings in respect of accused Nos.1 to 3, the allegations made against

these petitioners are similar to accused Nos.1 to 3 in the charge sheet that accused Nos.1 to 5 inflicted injury on the chest and also on the stomach and the same is not found in any of the medical report or external examination report. Hence, on the ground of parity, these petitioners are also entitled for quashing of the proceedings.

4. Learned High Court Government Pleader for respondent No.1 would submit that those orders are passed on account of rejection of discharge application. But, this petition is filed for quashing the proceedings and counsel would submit that there are eye witnesses to the incident and they speak about the assault made by these petitioners along with other accused.

5. Having considered the factual aspects of the case, this Court has already exercised the powers under Section 482 of Cr.P.C. in respect of accused Nos.1 to 3 and in the order taken note of post mortem report and final report in paragraph No.4, wherein it is categorically mentioned that there are no external injuries and death is a natural death and it appears that he was suffering from heart ailment. The inquest report

also says that there are no external injuries and also there is no any external injuries found and Histopathological report is also taken note of.

6. When such being the case, even there are eye witnesses to the incident and even though they speak about the assault made by these petitioners along with other accused, when this Court has already exercised its powers in respect of accused Nos.1 to 3 considering the fact that no such assault is made by these petitioners on the chest as well as stomach and no such injuries are also found and cause of death as per PM report is also natural death. When such being the case, the Apex Court also in the judgment in **PEPSI FOODS LTD. vs. SPECIAL JUDICIAL MAGISTRATE** reported in **(1998) 5 SCC 749** has categorically held that facing of criminal prosecution is a serious matter. But when there is no such material before the Court that these petitioners are cause for the death of a person and no such injuries as per PM report that cause of death is on account of assault, it amounts to miscarriage of justice, if this Court fails to exercise the powers under Section 482 of Cr.P.C.

Hence, it is a fit case to exercise the powers under Section 482 of Cr.P.C.

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

ORDER

(i) The criminal petition is ***allowed.***

(ii) The proceedings initiated against these petitioners i.e., accused Nos.4 and 5 in S.C.No.146/2021 for the offence punishable under Sections 143, 147, 149, 302 and 504 of IPC, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 41