HC-KAR
NC: 2026:KHC:61384
CRL.P No. 1786 of 2026
CNR: KAHC010083302026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 1786 OF 2026

BETWEEN:

1. MR. JAMSHAD M,
   AGED ABOUT 40 YEARS,
   S/O MUHAMMED,
   R/AT MECCHERI, PARAMAL HOUSE,
   JTS ROAD, THURAKKAL, MANJERI-KAL,
   MALAPURAM, KERALA- 6782121.
2. MR. SARFARAZ ALI G.S
   AGED ABOUT 28 YEARS,
   S/O AMEER ALI,
   R/AT NO. A.G.C, G S HOUSE,
   THEKKEPURAM,
   PADNE, KASARAGOD KERLA-671312

...PETITIONERS

(BY SRI SUYOG HERELE E,ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH MADIVALA PS,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU - 560001.

...RESPONDENT

(BY SRI M V ANOOP KUMAR, ADDL.SPP)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ALLOW THIS CRL.P AND QUASH THE ENTIRE PROCEEDINGS IN CC.NO.33915/2025 PENDING ON THE FILE OF 39tH ACJM, BENGALURU CITY, INCLUDING THE ORDER OF TAKING COGNIZANCE DTD 09.09.2025, FIR, COMPLAINT AND CHARGE SHEET FILED BY

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RESPONDENT IN MADIVALA P.S., ARISING OUT OF CR.NO.165/2025, FOR THE OFFENCE P/U/S 196(1)(a) OF BNS, PRODUCED AT DOCUMENT NOs.1, 2, 3, 4.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the respondents.

2. This petition is filed to quash the criminal proceedings in C.C. No.33915/2025 pending before the XXXIX Additional Chief Judicial Magistrate, Bengaluru for the offences under Section 196(1)(a) of Bharatiya Nyaya Sanhita, 2023 ('BNS'). The proceedings is arising from Crime No.165/2025.

3. Learned counsel appearing for the petitioners would submit that the proceedings have to be quashed as procedure contemplated under Section 217(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') is not complied as such, the proceeding has to be quashed as proceeding is vitiated.

4. Learned counsel appearing for the petitioner would place reliance on the judgment of the Co-ordinate Bench of this

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Court in ***SRI SHRIDHAR SHERIGAR and Others vs State of Karnataka and Others***[1] and the judgment of the Apex Court in ***Rahul Gandhi vs State of Uttar Pradesh and Another***[2]

5. Learned Additional SPP does not dispute the submission that the procedure is vitiated.

6. Under these circumstances, the ***petition is allowed.***

7. The proceeding is quashed.

8. However, it is made clear that in case the respondent-State intends to investigate the matter in accordance with law, this order will not come in the way of taking such steps as advised in law.

Digitally Signed by ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

CHS/List No.: 2 Sl No.: 15

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[1] Criminal Petition No.11235/2023

[2] *Criminal Appeal No.3839/2026*