HC-KAR

NC: 2026:KHC:59937
WP No. 7516 of 2020

CNR: KAHC010153542020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 7516 OF 2020 (GM-RES)

BETWEEN:

SMT. UMA RAO
AGED ABOUT 60 YEARS,
ASST. TEACHER RETD.
GOVT. HIGHER PRIMARY SCHOOL
PADLADY, BELTANGADY TALUK
DAKSHINA KANNADA DISTRICT.

…PETITIONER

(BY SRI. NAVEED AHMED, ADVOCATE)

AND:

1. STATE BY BELTHANGADY POLICE STATION
BELTANGADY TALUK,
DAKSHINA KANNADA DISTRICT,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

2. MR. SHEENA
AGE ABOUT 38 YEARS,
S/O ANGAJA
R/AT NETHAJI BADAVANE
NINIKALLU, LAILA, BELTHANGADY TALUK
DAKSHINA KANNADA DISTRICT - 575 001.

…RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1;
VIDE ORDER DATED 27.10.2026, NOTICE TO R2 IS HELD SUFFICIENT)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF CR.PC PRAYING TO QUASH THE IMPUGNED FIR REGISTERED BY THE R-1 POLICE IN CRIME NO.25/2020 DTD.12.3.2020 PENDING IN THE FILE OF 2ND ADDITIONAL DISTRICT AND SESSIONS COURT DAKSHINA KANNADA DISTRICT VIDE ANNEXURE-A CONSEQUENTLY SET ASIDE THE COMPLAINT FILED BY THE R-2 DTD.12.3.2020 BEFORE THE R-1 POLICE VIDE ANNEXURE-B AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Naveed Ahmed, learned counsel for the petitioner and Smt.K.P.Yashodha, learned Additional Government Advocate for respondent No.1.

2. Respondent No.2 is served with the notice of the petition and remained absent.

3. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayers:

> "*Wherefore it is most respectfully prayed that this Hon'ble Court may be pleased to:*

a. Issue writ in the nature of certiorari quashing the impugned FIR registered by the 1st respondent – police in Crime No.25/2020 dated 12.03.2020 pending in the file of 2nd Addl. District and Sessions Court, Dakshina Kannada District vide Annexure A; consequently set aside the complaint filed by the 2nd respondent dated 12.03.2020 before the 1st respondent police vide Annexure B in the interest of justice and equity.

b. Pass such order/s relief/s and direction/s as this Hon'ble Court deems fit and necessary in this case in the interest of justice and equity."

4. Facts of the case are as under:

4.1. Respondent No.2 herein filed a complaint against the petitioner herein stating that there was a house warming ceremony of a private person on 26.02.2020. To attend the house warming ceremony, petitioner herein said to have taken the students of 5th, 6th and 7th standard and participated in the house warming ceremony except the children of respondent No.2 whereby untouchability is followed by the Government teacher and thus sought for action.

5. Based on the written complaint, Belthangadi Police registered a case in Crime No.25/2020 for the offence punishable under Section 3(1)(r) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

6. Being aggrieved by the very registration of the complaint, petitioner is before this Court.

7. Learned counsel for the petitioner reiterating the grounds urged in the petition would contend that function in which the petitioner participated is a private function and whoever had been invited for the said function have been taken to the function.

8. He would further contend that there is an allegation that violation with regard to the school timings. Attending the house warming ceremony during the working hours is concerned, the remedy for respondent No.2 lies elsewhere and competent authorities are to take action. At any rate, ingredients of offence under Section 3(1)(r) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act does not get attracted and thus sought for quashing the pending FIR.

9. Per contra, learned Additional Government Advocate for respondent No.1 would contend that during the working hours of the school, the petitioner has visited the private function but deliberately did not take the children of respondent No.2 to the function whereby the petitioner followed the practicing of untouchability which is evident from the material on record and thus sought for dismissal of the petition.

10. Having heard the arguments of both the parties, this Court noted that not taking the children of respondent No.2 to the house warming ceremony which is a private function would not at any stretch of imagination amount to practicing untouchability.

11. Admittedly, children of respondent No.2 are made to study in the school along with other children.

12. If children of respondent No.2 are not invited by a private person for the private function and teacher has attended the said function with the other invited students, the same would not amount to practicing of untouchability.

13. Therefore, continuation of the criminal case against the petitioner is no longer warranted and if continued, would result in abuse of process of law.

14. Accordingly, a case is made out to quash the pending proceedings.

15. Hence, following:

ORDER

i. Petition is ***allowed***.

ii. FIR in Crime No.25/2020 dated 12.03.2020 registered by Belthangadi Police Station, Dakshina Kannada for the offence punishable under Section 3(1)(r) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is quashed.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 25