HC-KAR

NC: 2026:KHC:23061
CRL.P No. 6380 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 6380 OF 2026

BETWEEN:

RAJANNA S.,
S/O SANNABOMMAIAH,
AGED ABOUT 52 YEARS,
WORKING AS HEAD MASTER
OF VISHWODAYA HIGH SCHOOL,
KRISHNAYYANA DODDI VILLAGE,
UYYAMBALLI HOBLI, KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562 117.

...PETITIONER

(BY SRI. SATYANARAYANA CHALKE, ADVOCATE FOR
SRI. ANIL KUMAR R., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH SATHANOOR POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. DINESH J. R.,
C.D.P.O.,
FATHER'S NAME NOT KNOWN,
AGED ABOUT 33 YEARS,
STATE GOVT. EMPLOYEE,
WORKING AT C.D.P.O. OFFICE,
KANAKAPURA TALUK OFFICE,
KANAKAPURA - 562 117.

...RESPONDENTS

(BY SRI. B.N.JAGADEESHA, ADDL. SPP FOR R1)

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 528 BNNS PRAYING TO QUASH THE ENTIRE CHARGE SHEET IN C.C.NO.1663/2022 ARISING OUT OF CR.NO.3/2022 REGISTERED BY THE RESPONDENT NO.1 POLICE / SATHANOOR P.S. FOR THE ALLEGED OFFENCE P/U/S 5(3A) OF THE KARNATAKA EPIDEMIC DISEASES ACT 2020 AND SEC.75 OF THE JUVENILE JUSTICE ACT (CARE AND PROTECTION OF CHILDREN ACT) 2015 ON THE FILE OF THE I ADDL.CIVIL JUDGE AND J.M.F.C KANAKAPURA.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Heard the learned counsel Sri. Satyanarayana Chalke, appearing for the petitioner, Sri. B.N.Jagadeesha, learned Addl. SPP appearing for respondent No.1 and have perused the material on record.

2. The petitioner is before this Court, seeking the following prayer:

> "WHEREFORE, the petitioner most respectfully prays that, this Hon'ble Court may kindly be pleased to quash the entire charge sheet in CC.No.1663/2022 arising out of Crime No.0003/2022 registered by the Respondent No.1 Police/Sathanoor Police Station for the alleged offences punishable under 5(3A) of the Karnataka Epidemic Diseases Act 2020 and Section 75 of the Juvenile Justice Act (Care and Protection of Children Act), 2015 on the file of the I Addl. Civil Judge and J.M.F.C, Kanakapura, in the interest of justice and equity."

3. Learned counsel appearing for the petitioner would submit that the issue in the *lis* stands covered by the judgment rendered by this Court in Crl.P.No.3328/2023 disposed on 16.06.2023, wherein it has held as follows:

> "6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.
>
> 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.

10. The other offence alleged is under Section 75 of the Act. Section 75 of the Act reads as follows:

> *"**75. Punishment for cruelty to child**.— Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both:*
>
> *Provided that in case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases:*
>
> *Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees:*
>
> *Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is*

rendered mentally unfit to perform regular tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakhs rupees."

Section 75 makes it an offence if the person who is in-charge of the child or has control over the child assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause the child unnecessary mental or physical suffering shall become punishable for a term which may extend upto 3 years.

11. The fact that leads to the said allegation is that, the petitioner posed for a picture with the children at Vishwodaya High School, Kanakapura Taluk. The children were neither under the care or protection of the petitioner nor was he in-charge of the children. The children come out of the classes for the picture and the matter ends there. The petitioner did not have any control or in-charge over the children. The very offence is loosely laid against the petitioner, much less to say he is alleged of assault, abandoning, abusing or exposing or neglecting the children. The aforesaid facts cannot even lead to the alleged offences against the petitioner.

12. The Police have also filed a charge sheet in the matter alleging that Government has notified a Standard Operating Procedure during Covid-19 on 04-01-2022, and therefore, there has been violation of the provisions of the Karnataka Epidemic Diseases Act, 2020. The very summary of the charge sheet clearly indicates that it is laid on imaginary lines. A trivial act which does not contain any of the ingredients of the afore-quoted offences, is laid against the petitioner. A perusal at the summary of the charge sheet would indicate the reason behind filing of the charge sheet. The summary insofar as such indication reads as follows:

"ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಕೋವಿಡ್–19 ಸಾಂಕ್ರಾಮಿಕ ರೋಗ ಹರಡುವುದನ್ನು ತಡಗಟ್ಟುವ ಸಲುವಾಗಿ ಹೊರಡಿಸಿದ್ದ RD/158/TNR/2020 Date

04/01/2022 ಕೋವಿಡ್–19 ಮಾರ್ಗಸೂಚಿಯನ್ನು ಉಲ್ಲಂಘಿಸಿ, ಮಕ್ಕಳುಗಳಿಂದ "ನಮ್ಮ ನೀರು, ನಮ್ಮ ಹಕ್ಕು" ಎಂಬ ಘೋಷಣೆಯನ್ನು ಕೂಗಿಸಿ, ಮಕ್ಕಳನ್ನು ರಾಜಕೀಯವಾಗಿ ಪ್ರೇರೆಪಿತಗೊಳ್ಳುವಂತೆ ಮಾಡಿ, ಸರ್ಕಾರಿ ಹೊರಡಿಸಿರುವ RD/158/TNR/2020 Date 04/01/2022 ಕೋವಿಡ್–19 ಮಾರ್ಗಸೂಚಿಯನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ."

The petitioner appears to have made the children to eco with him *"ನಮ್ಮ ನೀರು, ನಮ್ಮ ಹಕ್ಕು".* This is said to be politically influencing the children of the High School who are below 15 years of age. Therefore, none of the allegations made against the petitioner are even present in the case at hand and if only for the reason that charge sheet is filed against the petitioner, further proceedings are permitted to continue it would become an abuse of the process of law and result in miscarriage of justice.

13. For the aforesaid reasons, I pass the following:

O R D E R

(i) Criminal petition is allowed.

(ii) FIR in Crime No.3 of 2022 dated 12-01-2022 registered by the Sathanoor Police Station and Charge Sheet filed in C.C.No.1663 of 2022 pending before the I Additional Civil Judge (Junior Division) & JMFC, Kanakapura, Ramanagara District stand quashed.

(iii) It is made clear that the observations made in the course of the order are only for the purpose of consideration of the case of the petitioner under Section 482 of Cr.P.C. and the same shall not bind or influence the proceedings against the other accused pending before the concerned Court."

4. In the light of the order passed by this Court *(supra)* and for the reasons aforementioned, the following:

ORDER

(i) The Criminal Petition is allowed.

(ii) The proceedings in C.C.No.1663/2022 pending before the I Additional Civil Judge and JMFC, Kanakapura, stand quashed, *qua* the petitioner.

Sd/-
(M.NAGAPRASANNA)
JUDGE

CBC
List No.: 5 Sl No.: 2