HC-KAR

NC: 2026:KHC:23027
CRL.P No. 6514 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. 6514 OF 2026

BETWEEN:

SRI SHANKARA C. M.,
S/O MAHADEVU
AGED ABOUT 52 YEARS
R/AT NO. 228-1, CHAMALAPURADA HUNDI
NANJANGUD, MYSURU DISTRICT
KARNATAKA – 571 301.

…PETITIONER

(BY SRI SHATHABISH SHIVANNA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY NANJANGUD TOWN POLICE STATION
   REPRESENTED BY THE
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   BENGALURU – 560 001.

2. SIDDARAJU V. S.,
   AGED ABOUT 59 YEARS
   OCC: ASSISTANT SUB-INSPECTOR OF POLICE
   NANJANGUD TOWN POLICE STATION
   NANJANGUD, TOWN MYSURU DISTRICT
   KARNATAKA – 571 301.

…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 482 CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.4/2022 DTD 11.01.2022 REGISTERED BY THE 1st RESPONDENT IN NANJANGUD TOWN P.S., PURSUANT TO THE COMPLAINT DTD 11.02.2022, CHARGE SHEET DTD 04.05.2022 AND ALL FURTHER PROCEEDINGS IN CC.NO.649/2022, PENDING BEFORE THE 2nd ADDL. CIVIL JUDGE AND JMFC, NANJANGUD, FOR THE OFFENCES P/U/S 141, 143, 290, 336, 149 OF IPC, 1860, U/S 5(3A) OF THE KARNATAKA EPIDEMIC DISEASES ACT, 2020, U/S 51(B) OF THE DISASTER MANAGEMENT ACT, 2005, PURSUANT TO THE PCR.NO.13/2022 DTD 11.01.2022.

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

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

ORAL ORDER

Petitioner – accused No.1 is before this Court calling in question registration of a crime in Crime No.4/2022 and the proceedings in C.C.No.649/2022, pending before the 2nd Additional Civil Judge and JMFC, Nanjangudu, for offences punishable under Sections 141, 143, 290, 336 and 149 of the IPC, Section 5(3A) of the Karnataka Epidemic Diseases Act, 2020 and Section 51(b) of the Disaster Management Act, 2005.

2. Heard Sri Shathabish Shivanna, learned counsel for petitioner and Sri B.N.Jagadeesha, learned Additional State Public Prosecutor for respondent No.1. - State.

3. Learned counsel for petitioner submits that the issue in the stands covered by the order of this Court in the case of **D.K. SHIVAKUMAR Vs. STATE** reported in **2023 SCC OnLine Kar 226,** wherein, it is held as follows:

> **7. The afore-narrated facts are not in dispute. The issue lies in a narrow compass, as to whether the learned Magistrate could have taken cognizance of the offence under Section 51(b) of the Act. To consider the said issue, it is germane to notice certain provisions of the Act. Section 51 of the Act deals with punishment for obstruction and reads as follows:**
>
> ***"51. Punishment for obstruction, etc.—(1) Whoever, without reasonable cause— —(1) Whoever, without reasonable cause—"***
>
> ***(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or***
>
> ***(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act, shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years. notes on clauses Clauses 51 to 58 (Secs. 51 to 58) seeks to lay down what will constitute an offence in terms of obstruction of the functions under the Act, false claim for relief, misappropriation of relief material or funds, issuance of false warning, failure of an officer to perform the duty imposed on him under the Act***

without due permission or lawful excuse, or his connivance at contravention of the provisions of the Act. The clauses also provide for penalties for these offences.

(Emphasis supplied)

Section 51(b) of the Act directs that whoever would refuse to comply with any direction given by or on behalf of the Government, as the case would be, become an offence under the Act.

8. Section 60 of the Act deals with cognizance for the offences and reads as follows:

"60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid."

(Emphasis supplied)

Section 60(b) mandates that, if cognizance is to be taken for an offence punishable under Section 51 of the Act, a person who is arrayed as accused should have been given a notice not less than 30 days in the manner prescribed.

9. The prescription is in terms of the Rules. Rules, i.e. the Disaster Management (notice of alleged offence) Rules, 2007. Rule 3 of the said Rules, reads as follows:

"3. Notice of alleged offence and intention to make a complaint .—A notice under clause (b) of section 60 of the Act by a person, of the alleged offence

and his intention to make a complaint shall be delivered to, or left at, the office of one of the following—

(a) in the case of the Central Government, except where the complaint relates to a railway, the Secretary incharge of the concerned Ministry or the Department in that Government;

(b) in the case of the Central Government where the complaint relates to a railway, the General Manager of that railway;

(c) in the case of State Government, the Secretary incharge of the concerned Department in that Government;

(d) in the case of the National Authority, the Secretary or, if there is no Secretary, the Additional Secretary, of the National Authority;

(e) in the case of a State Authority, the Chief Executive Officer of the State Authority;

(f) in the case of a District Authority, the Chief Executive Officer of the State Authority."

(Emphasis supplied)

The Rule mandates that a notice under Section 60(b) of the Act by any person should be issued on/of his intention to make a complaint, and that shall be delivered to the person against whom complaint is said to be made. The manner of issuance and delivery are narrated from (a) to (f). Therefore, there is prescription under the Rules as to the action to be taken under Section 60(b) of the Act.

10. On the bedrock of the aforesaid mandate under the Act and the Rules, the case at hand requires to be noticed. The incident takes place on 04.01.2021, around 10.30 a.m. and the crime is registered on 04.01.2021 for the offence punishable under Section 51(b) of the Act and Section 188 of the IPC. The learned Magistrate takes cognizance of the offence on 25.01.2022. The order of the learned Magistrate taking cognizance reads as follows:

"Perused the compliant. Complainant is a Public Servant. Hence, recording of Sworn Statement is dispensed with as contemplated u/s.200 of Cr.P.C. cognizance is taken for the offence punishable u/s.51(b) of NDA Act.

I have perused the documents produced by the complainant and considered the allegation made in the complaint. The allegation are supported by documents and if allegations are not denied the same will lead to the conviction of the accused.

There are sufficient materials to issue process against the accused. Accordingly, I proceed to pass the following order:

ORDER

1. Register the case as CC
2. Issue summons against accused no.1 to 9 for the offence punishable u/s. 51(b) of NDA Act.
3. Call on: 26.02.2021."

(Emphasis added)

The learned Magistrate prior to taking cognizance ought to have noticed the rigor of Section 60(b) as to whether a notice has been issued to the accused in terms of Rule 3 of the said Rules (*supra*). Ostensibly, the mandate under the Act or the Rules is not followed by the complainant and it is not even noticed by the learned Magistrate prior to the taking of cognizance. It is therefore, contrary to law.

11. In the light of it being contrary to law, is resultantly rendered unsustainable. The unsustainability of it, would lead to its obliteration."

(Emphasis supplied)

In the light of the afore-quoted judgment of this Court, unequivocal facts and jurisdictional error, as also the violation

of procedure stipulated under the Disaster Management Act, this petition deserves to succeed with the obliteration of impugned proceedings.

4. For the aforesaid reasons, the following:

ORDER

a. The criminal petition is allowed.

b. The proceedings in C.C.No.649/2022 (arising out of Crime No.4/2022), pending before the 2nd Additional Civil Judge and JMFC, Nanjangudu, *qua* the petitioner, stand quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ
List No.: 4 Sl No.: 30