HC-KAR
CNR: KAHC010467602026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 21199 OF 2026 (GM-RES)

C/W

WRIT PETITION NO. 10612 OF 2026 (GM-RES)

WRIT PETITION NO. 11350 OF 2026 (GM-RES)

WRIT PETITION NO. 12469 OF 2026 (GM-RES)

WRIT PETITION NO. 15160 OF 2026 (GM-RES)

WRIT PETITION NO. 15163 OF 2026 (GM-RES)

WRIT PETITION NO. 21037 OF 2026 (GM-RES)

WRIT PETITION NO. 21038 OF 2026 (GM-RES)

WRIT PETITION NO. 21329 OF 2026 (GM-RES)

IN WP No. 21199/2026

BETWEEN:

SRI. IDRIS AHMED,
SON OF MOHAMMED YASIN,
AGED ABOUT 46 YEARS,
RESIDING AT EDGA MAIDANA ,
MACHAGONDANAHALLI POST,
SATHIHALLI CHIKAMGALURU,
KARNATAKA 577 111.

...PETITIONER

(BY SRI N S SRIRAJ GOWDA,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ALDUR POLICE STATION,

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ANANT RAMNATH HEGDE

CHIKAMAGALURU
REPRESENTED BY ITS
SPECIAL PUBLIC PROSECUTOR.
HIGH COURT BUILDING, BANGALORE,
KARNATAKA - 560 001.

2. SRI. JIBRAN UZ JAMA,
SONO F MOHAMAD NADIR HUSSAIN,
AGED ABOUT 31 YEARS,
RESIDING AT GULLANPET POST, ALDUR HOBLI,
CHIKAMGALURU KARNATAKA 577111.

…RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,
SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TOA. QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED 05.09.2025, FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 115(2), 118(1), 351(2) READ WITH SECTION 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023, AS AGAINST THE PETITIONER (ANNEXURE A AND ANNEXURE B) AND ETC.

IN WP NO. 10612/2026

BETWEEN:

SRI SABDAR GULREEZ AHMED ALIAS,
SON OF MOHAMMED YASIN,
AGED ABOUT 43 YEARS,
RESIDING AT, EDGA MAIDANA,
MACHAGONDANAHALLI POST, SATHIHALLI,
CHIKAMAGALURU KARNATAKA 577111.

...PETITIONER

(BY SRI N S SRIRAJ GOWDA,ADVOCATE)

Digitally signed by Justice
ANANT RAMNATH HEGDE

AND:

1. STATE OF KARNATAKA,
   BY ALDUR POLICE STATION CHIKAMAGALURU,
   REPRESENTED BY ITS
   SPECIAL PUBLIC PROSECUTOR.

2. SRI.MOHAMMED AFNAN
   SON OF IRFAN ALI,
   AGED ABOUT 27 YEARS,
   RESIDING AT, GULLANPET POST,
   ALDUR HOBLI, CHIKAMAGALURU,
   KARNATAKA 577111.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,
SRI MUHAMMAD IRSHAD M H, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 FILED PRAYING TO QUASH THE COMPLAINT AND FIRST INFO REPORT DTD 6.09.2025 FOR OFFENCES PUNISHABLE U/S 352,109,118(),351(2),351(3) AND 190 OF THE BNS 2023 AS AGAINST THE PETITIONER CONCERN ONLY (ANNX-A AND B) IN FIR NO. 0123/2025 REG BY ALDUR POLICE CHIKKAMAGALURU QUASH THE CHARGESHEET DTD 19.02.2026 FOR OFFENCES PUNISHABLE U/S 352,109(1),118(1),118(2),351(2) 351(3) AND 190 OF THE BNS 2023 AS AGAINST THE PETITION CONCERN ONLY ANX-C IN CRL CASE NO. 237/2026 IN THE PRINCIPAL CIVIL JUDGE AND JMFC COURT CHIKKAMGALURU AND ETC.

IN WP NO. 11350/2026

BETWEEN:

SRI NIZAM NIZAMUDDIN,
SON OF MOHAMMED YASIN,
AGED ABOUT 42 YEARS,
RESIDING AT, EDGA MAIDANA,

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ANANT RAMNATH HEGDE

MACHAGONDANAHALLI POST,
SATHIHALLI, CHIKAMAGALURU KARNATAKA - 577111.
...PETITIONER

(BY SRI N S SRIRAJ GOWDA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY ALDUR POLICE STATION, CHIKAMAGALURU
   REPRESENTED BY ITS SPECIAL PUBLIC PROSECUTOR.

2. SRI. MOHAMMED AFNAN,
   SON OF IRFAN ALI,
   AGED ABOUT 27 YEARS,
   RESIDING AT, GULLANPET POST,
   ALDUR HOBLI, CHIKAMAGALURU,
   KARNATAKA 577111.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,
SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TO-A. QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED 06.09.2025, FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 109, 118(1), 351(2), 351(3) AND 190 OF THE BHARATIYA NYAYA SANHITA, 2023, AS AGAINST THE PETITIONER (ANNEXURE -A AND ANNEXURE -B) AND ETC.

IN WP NO. 12469/2026

BETWEEN:

1. SRI IDRIS AHMED,
   SON OF MOHAMMED YASIN,
   AGED ABOUT 46 YEARS,
   RESIDING AT, EDGA MAIDANA,

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ANANT RAMNATH HEGDE

MACHAGONDANAHALLI POST,
SATHIHALLI, CHIKAMAGALURU
KARNATAKA - 577111.

...PETITIONER

(BY SRI. N S SRIRAJ GOWDA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ALDUR POLICE STATION,
CHIKAMAGALURU,
REPRESENTED BY ITS,
SPECIAL PUBLIC PROSECUTOR.

2. SRI.MOHAMMED AFNAN,
SON OF IRFAN ALI,
AGED ABOUT 27 YEARS,
RESIDING AT, GULLANPET POST, ALDUR HOBLI,
CHIKAMAGALURU, KARNATAKA - 577111.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,
SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TO QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED 06.09.2025, FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 109, 118(1), 351(2), 351(3) AND 190 OF THE BHARATIYA NYAYA SANHITA, 2023, AS AGAINST THE PETITIONER (ANNEXURE A AND ANNEXURE B AND ETC.

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ANANT RAMNATH HEGDE

IN WP NO. 15160/2026

BETWEEN:

SRI PARVEEZ AHMED,
SON OF MOHAMMED YASIN,
AGED ABOUT 36 YEARS, RESIDING AT,
EDGA MAIDANA, MACHAGONDANAHALLI POST,
SATHIHALLI, CHIKAMAGALURU,
KARNATAKA - 577111.

...PETITIONER

(BY SRI N S SRIRAJ GOWDA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY ALDUR POLICE STATION,
   CHIKAMAGALURU,
   REPRESENTED BY ITS
   SPECIAL PUBLIC PROSECUTOR.

2. SRI.MOHAMMED AFNAN,
   SON OF IRFAN ALI,
   AGED ABOUT 27 YEARS,
   RESIDING AT, GULLANPET POST,
   ALDUR HOBLI, CHIKAMAGALURU,
   KARNATAKA - 577111.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,
SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TO A. QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED 06.09.2025, IN CRIME NO.0123/2025 BY ALUR PS FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 109, 118(1), 351(2), 351(3) AND 190 OF THE BHARATIYA NYAYA SANHITA 2023, AS AGAINST THE PETITIONER (ANNX-A AND B) AND ETC.

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ANANT RAMNATH HEGDE

IN WP NO. 15163/2026

BETWEEN:

SRI JIBREEZ AHMED,
SON OF MOHAMMED YASIN,
AGED ABOUT 48 YEARS,
RESIDING AT, EDGA MAIDANA,
MACHAGONDANAHALLI POST, SATHIHALLI,
CHIKAMAGALURU KARNATAKA 577111.

...PETITIONER

(BY SRI N S SRIRAJ GOWDA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY ALDUR POLICE STATION,
   CHIKAMAGALURU,
   REPRESENTED BY ITS
   SPECIAL PUBLIC PROSECUTOR.

2. SRI. MOHAMMED AFNAN,
   SON OF IRFAN ALI,
   AGED ABOUT 27 YEARS,
   RESIDING AT, CHIKAMAGALURU,
   GULLANPET POST, ALDUR HOBLI,
   KARNATAKA 577111.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,

SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TO A. QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED 06.09.2025, IN CRIME NO.0123/2025 FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 109, 118(1), 351(2), 351(3) AND 190 OF THE BHARATIYA NYAYA SANHITA,

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ANANT RAMNATH HEGDE

2023, AS AGAINST THE PETITIONER (ANNEXURE A AND ANNEXURE B).

IN WP NO. 21037/2026

BETWEEN:

SRI. JIBRREEZ AHMED,
SON OF MOHAMMED YASIN,
AGED ABOUT 46 YEARS,
RESIDING AT EDGA MAIDANA ,
MACHAGONDANAHALLI POST,
SATHIHALLI CHIKAMGALURU
KARNATAKA 577 111.

...PETITIONER

(BY SRI N S SRIRAJ GOWDA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY ALDUR POLICE STATION,
   CHIKAMAGALURU
   REPRESENTED BY ITS
   SPECIAL PUBLIC PROSECUTOR.

2. SRI. JIBRAN UZ JAMA,
   SON OF MOHAMAD NADIR,
   HUSSAIN AGED ABOUT 31 YEARS,
   RESIDING AT GULLANPET POST, ALDUR HOBLI,
   CHIKAMGALURU KARNATAKA 577111.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,

SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TO A.QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED

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ANANT RAMNATH HEGDE

05.09.2025, FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 115(2), 118(1), 351(2) READ WITH SECTION 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023, AS AGAINST THE PETITIONER (ANNEXURE A AND ANNEXURE B) AND ETC.

IN WP NO. 21038/2026

BETWEEN:

SRI. NIZAM NIZAMUDDIN,
SON OF MOHAMMED YASIN,
AGED ABOUT 42 YEARS,
RESIDING AT EDGA MAIDANA
MACHAGONDANAHALLI POST,
SATIHALLI, CHIKAMAGALURU,
KARNATAKA 577111.

...PETITIONER

(BY SRI N S SRIRAJ GOWDA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY ALDUR POLICE STATION,
   CHIKAMAGALURU,
   REPRESENTED BY ITS
   SPECIAL PUBLIC PROSECUTOR.

2. SRI. JIBRAN UZ JAMA,
   SONO F MOHAMAD NADIR HUSSAIN,
   AGED ABOUT 31 YEARS,
   RESIDING AT GULLANPET POST,
   ALDUR HOBLI, CHIKAMGALURU,
   KARNATAKA 577111.

...RESPONDENTS

(BY SRI M V ANOOPKUMAR, ADDL.SPP FOR R1,

SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

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ANANT RAMNATH HEGDE

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TOA. QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED 05.09.2025 IN FIR NO. 0121/2025 FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 115(2), 118(1), 351(2) READ WITH SECTION 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023, AS AGAINST THE PETITIONER (ANNEXURE A AND ANNEXURE B) AND ETC.

IN WP NO. 21329/2026

BETWEEN:

SRI. PARVEEZ AHMED,
SON OF MOHAMMED YASIN,
AGED ABOUT 36 YEARS,
RESIDING AT EDGA MAIDNA,
MACHAGONDANAHALLI POST, SATHIHALLI
CHIKKAMAGALURU 577 111.

...PETITIONER

(BY SRI N S SRIRAJ GOWDA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY ALDUR POLICE STATION,
   CHIKAMAGALURU,
   REPRESENTED BY ITS
   SPECIAL PUBLIC PROSECUTOR.

2. SRI. JIBRAN UZ JAMA,
   SON OF MOHAMAD NADIR HUSSAIN,
   AGED ABOUT 31 YEARS,
   RESIDING AT GULLANPET POST,
   ALDUR HOBLI, CHIKAMGALURU,
   KARNATAKA 577111.

...RESPONDENTS

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ANANT RAMNATH HEGDE

(BY SRI M V ANOOPKUMAR, ADDL.SPP FOR R1,

SRI MUHAMMAD IRSHAD M H,ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 READ WITH SECTION 528 OF THE BNSS, 2023 PRAYING TO QUASH THE COMPLAINT AND FIRST INFORMATION REPORT DATED 05.09.2025, FOR OFFENCES PUNISHABLE UNDER SECTIONS 352, 115(2), 118(1), 351(2) READ WITH SECTION 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023, AS AGAINST THE PETITIONER (ANNEXURE AND ANNEXURE A) AND ETC.

THESE PETITIONS, COMING ON FOR ORDERS, 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 petitioners, the learned Additional SPP and learned counsel for respondent No.2 in all the petitions.

2. Writ Petition No.21199/2026 is filed by accused No.3 to quash the FIR and the charge sheet arising from Crime No.121/2025.

3. The offences alleged are under Section 352, 115(2), 118(1), 351(2) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS, 2023).

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4. Writ Petition No.21037/2026 is filed by accused No.2 to quash the same proceeding.

5. Writ Petition No.21038/2026 is filed by accused No.1 to quash the aforementioned charge sheet and the FIR.

6. Writ Petition No.21329/2026 is filed by accused No.4 for the same relief.

7. Writ Petition No.10612/2026 is filed by accused No.5 to quash the FIR in Crime No.123/2025 for the offences under Sections 352,109(1),118(1),118(2), 351(2),351(3), read with Section 190 of BNS, 2023.

8. Writ Petition No.11350/2026 is filed by accused No.4 for the same relief.

9. Writ Petition No.12469/2026 is filed by accused No.3.

10. Writ Petition No.15160/2026 is filed by accused No.1.

11. Writ Petition No.15163/2026 is filed by accused No.2.

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12. It is also relevant to notice there is one more FIR registered in Crime No.125/2025 for the offences under Sections 109(1), 118(1),118(2),351(2,)351(3) read with Section 190 of BNS, 2023 and Section 352 of BNS, 2023.

13. Based on the complaint dated 09.09.2025, Crime No.125/2025 is investigated and the Police have filed 'B' report.

14. The aforementioned crime is registered pursuant to the complaint filed by petitioner No.2 in Writ Petition No.21199/2026.

15. Learned counsel appearing for the petitioners at the outset would submit that the petitioner in W.P. No.21199/2026 had lodged a complaint relating to the incident dated 4-9-2025 however, the police have filed a 'B' report despite the fact that the writ petitioner in Writ Petition No.21199/2026 is seriously injured and is a victim of the crime committed by the accused named in the said complaint.

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16. It is the further submission that the police in collusion have filed the charge sheet against the petitioners for the alleged offences under Sections referred to above. It is the contention that the bias is writ large in view of the fact that the Section 109 and Section 118(2) of the BNS, 2023 have been invoked against the petitioners without there being any material.

17. To substantiate the contention the learned counsel for the petitioners would refer to the following two judgments of the Apex Court and the Calcutta High Court:

(i) ***Nirmala Devi*** vs ***State of Himachal Pradesh***[1]

(ii) ***T.T.Antony vs State of Kerala & Ors.***[2]

(iii) ***Goutam Saha & Ors. vs The State of West Bengal & Anr.***[3].

Referring to these judgments and also the ingredients of the offence under Sections 118 and 109 of the BNS, 2023 the learned counsel for the petitioners would submit the

[1] 2023 INSC 662

[2] (2001) 6 SCC 181

[3] CRR No.3174/2018

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injuries allegedly caused on the victims and the weapons allegedly used do not indicate that the petitioners had an intention to kill the victims and the charge sheet for the aforementioned offences could not have been filed at all.

18. It is the submission that what is allegedly recovered is a stick and stick is not a weapon which can be used for shooting, stabbing or cutting and that being the position, the petitioners could not have been accused of the offences under Sections 109 and 118 of BNS, 2023. It is submitted that the charge sheet is filed with an intention to harass the petitioners as the police have colluded with the second respondent.

19. Learned counsel for the petitioners referring to the judgment of the Apex Court in ***Nirmala Devi*** supra would submit that in a scuffle between the husband and wife where the stick was allegedly used, the Apex Court has modified the offence to Section 304 from 302.

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20. The judgment of the Apex Court in ***T T Antony*** supra is referred to urge the contention that the second FIR is not maintainable for the same incident.

21. And judgment of the Calcatta High Court is referred to urge that in case the stick is used which is not used for shooting, stabbing or cutting, Section 109 or 118 of BNS, 2023 cannot be invoked.

22. Learned Additional SPP would submit that the charge sheet is filed after thorough investigation and rod is recovered. And the medical records would indicate that there was a serious assault on the victim and the victim is assaulted on the head and there is a fracture of the elbows and there are injuries all over the body.

23. Learned counsel for the second respondent would refer to the certificate issued by the doctor where the Doctor has opined that the injuries are serious and nearly fatal. Thus, referring to these aspects it is urged on behalf of both respondents that the matter requires trial and the proceedings cannot be quashed.

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24. The Court has considered the contentions raised at the bar and perused the records.

25. Since the petitioner also has raised a contention that he too has filed an FIR and 'B' report is filed in respect of his FIR, it appears at this stage that the presence of the parties to the proceedings at the scene of alleged offence is by and large admitted.

26. Learned counsel for the petitioners would also submit that the petitioners would take necessary steps to file protest petition against the 'B' report submitted by the investigating agency.

27. Be that as it may, what is required to be noticed is whether a case is made out for prosecuting the petitioners for the offence under Sections 118 and 109 of BNS, 2023.

28. The charge sheet materials would indicate that apart from the stick, the rod is also allegedly recovered from the scene of offence. The doctor's certificate would indicate that the victim has suffered grevious injuries and

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the photographs produced along with the charge sheet would also indicate that one of the victims has suffered head injury in addition to the fracture to the elbow and one of the victims has allegedly suffered injuries on his stomach.

29. Though the learned counsel for the petitioners would urge that the stick is not used for shooting, stabbing or cutting, since there is an allegation of use of rod, the Court is of the view that the proceedings cannot be quashed for the said offences at this stage.

30. It is also required to be noticed that the doctor has given a report on a specific query put by the investigating agency as to whether the injuries are serious and the doctor has opined that injuries are near fatal injuries **(**ಮಾರಣಾಂತಿಕ**)**.

31. It is prima facie noticed that there is a head injury to the one of the victims.

32. Though the learned counsel for the petitioner would submit that the incident took place on account of a

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sudden scuffle and it was not premeditated, the Court is of the view that the alleged recovery of the iron rod and sickle does not enable the Court to quash the proceedings for the said offences at this stage.

33. Since, the sickle and iron rod are said to be recovered, the Court is of the view that the judgment of the Calcutta High Court does not come to the aid of the petitioners.

34. As far as the judgment of the Apex Court in ***T T Anthony*** supra is concerned, it is noticed that the FIRs are allegedly filed in respect of two different incidents and it is not in respect of the same incident. Therefore the said judgment also does not come to the aid of the petitioners.

35. As far as the judgment of the Apex Court in ***Nirmala Devi*** supra is concerned, it is to be noticed that there was a trial and based on the evidence in the trial the Court has taken a view that the prosecution for the offence under Section 302 is not maintainable. The yardstick for considering the case after trial is entirely different from

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the yardstick for considering the case under Section 582 proceedings.

36. Accordingly, petitions are ***dismissed.***

37. The observations made in this order are only confined to the merits of the petitions under Sections 528 Bharatiya Nagarik Suraksha Sanhita, 2023 and not on the merits of the defence to be raised at the time of trial.

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ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

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List No.: 3 Sl No.: 16
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