HC-KAR

NC: 2026:KHC:59935
WP No. 23310 of 2024

CNR: KAHC010478452024

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.23310 OF 2024 (GM-RES)

BETWEEN:

1. SRI. MANJU BHARGAV,
   AGED ABOUT 34 YEARS
   S/O RAMAPPA
   HEGGERE
   CARE 3RD LINK ROAD,
   3RD CROSS, CSI LAYOUT,
   TUMKURU - 572107

   ALTERNATE ADDRESS

   R/A FARM HOUSE
   NEAR DR G PARMESHWARA HOUSE,
   SIDDARTHA NAGAR
   B H ROAD, TUMKUR - 572107

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

2. KUM VIJAYALAKSHMI
   AGED ABOUT 29 YEARS
   D/O VEERESH,
   R/A DEVI KRUPA,
   SIDDAGANGA NAGAR
   TUMKUR - 572 102

3. SMT SHAKUNTHALA
   AGED ABOUT 34 YEARS
   W/O NATARAJU
   R/A 6TH CROSS, II MAIN ROAD,
   VIJAYNAGAR,
   TUMKUR - 572102

4. SRI HEMANTH
AGED ABOUT 25 YEARS
S/O KUMAR, SALOON SHOP,
PRAGATHI EXTENSION,
TUMKURU - 572105

5. SRI P PRASHANTH
AGED ABOUT 25 YEARS
S/O PERUMAL
R/A 11TH CROSS,
APMC, MARLURU DINNE,
TUMKUR - 572 105

6. SRI VENKATESH
AGED ABOUT 32 YEARS
S/O SRINIVAS ,
R/A YELLAPURA CIRCLE,
TUMKURU TOWN - 572106

…PETITIONERS

(BY SRI. MADHUSUDHAN ADIGA B, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HOME,
REP. BY THE PRINCIPAL SECRETARY TO
GOVERNMENT
VIDHANA SOUDHA,
BANGALORE - 560 001

2. THE SUPERINTENDENT OF POLICE
TUMKUR DISTRICT
ASHOK NAGAR, B H ROAD,
TUMKUR - 572 103

3. THE STATION HOUSE OFFICER
TUMKUR TOWN POLICE STATION
TUMKUR - 572 101

4. A C NAGENDRA
AGED ABOUT 55 YEARS
S/O LATE R CHENNABASAVAIAH,
R/A NO 141, 3RD CROSS,
SIDDAGANGA EXTENSION,
TUMKUR - 572 102

…RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER FOR R1 TO R3;

R4 –SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH AS AGAINST THESE PETITIONERS THE FIR CR. NO.188/2024 DATED 25/04/2024 VIDE ANNEXURE-D AND THE SUBSEQUENT CHARGE SHEET DATED 11/06/2024 IN CC NO.182/2024 VIDE ANNEXURE-E BOTH FILED U/S 125 OF REPRESENTATION OF PEOPLE ACT AND PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE (SENIOR DIVISION) AND CJM COURT, TUMKUR DISTRICT, VIDE ANNEXURE-Q AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri B.Madhusudhan Adiga, learned counsel for the petitioners and Smt. M.M.Waheeda, learned High Court Government Pleader.

2. Fourth respondent/complainant is served with the notice and remained absent.

3. Based on the complaint lodged by the fourth respondent, Tumakuru Town Police registered a case in Crime No.188/2024 for the offence punishable under Section 125 of the Representation of the People Act.

4. Gist of the complaint averments would reveal that on account of Lok Sabha General Elections for the year 2024, the District Administration, based on the instructions of the Election Commission, had introduced Code of Conduct in Tumakuru District.

5. There was a murder of a student by name Neha at Hubballi. Few persons who were interested in getting the matter properly investigated with regard to the said murder, formed a group and assembled near the idol of Kote Anjaneya

Swamy near Basaveshwara Circle, Tumakuru Town and were preparing to raise slogans.

6. It appears that the preparation was to raise slogans against a particular religion as well. Since there was violation of code of conduct, complaint came to be lodged which resulted in registering the FIR in Crime No.0188/2024. Same is called in question in the present petition.

7. Learned counsel for the petitioners would contend that there is no material on record to establish the violation of code of conduct nor ingredients to attract the offence under Section 125 of the Representation of the People Act. Thus sought for quashing the pending complaint.

8. *Per contra*, learned High Court Government Pleader would support the registration of the case and proceed with the investigation.

9. In order to appreciate the case of the petitioners, it is just and necessary for this Court to cull out Section 125 Representation of People Act which reads as under:

> *"**125. Promoting enmity between classes in connection with election**.—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall he punishable, with imprisonment for a term which may extend to three years, or with fine, or with both."*

10. After thorough investigation, the police have filed the charge sheet.

11. Column No. 17 of the charge sheet reads as under:

> *"17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ:*
>
> *ದಿನಾಂಕ 21.04.2024ರಂದು ಭಾನುವಾರ ಸಂಜೆ ಸುಮಾರು 6–15 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ಈ ದೋಷಾರೋಪಣ ಪಟ್ಟಿ ಅಂಕಣ 12ರಲ್ಲಿ ಕಾಣಿಸಿರುವ ಆರೋಪಿಗಳು ತುಮಕೂರು ನಗರ ಪೋಲೀಸ್ ಠಾಣೆ ಸರಹದ್ದಿಗೆ ಸೇರಿದ ಕೋಟೆ ಆಂಜನೇಯ ಸ್ವಾಮಿ ವಿಗ್ರಹದ ಬಳಿ ಲೋಕಸಭಾ ಚುನಾವಣೆ ನಿಮಿತ್ತ ನೀತಿ ಸಂಹಿತೆ ಜಾರಿಯಲ್ಲಿದ್ದರೂ ಸಹ ಗುಂಪು ಕಟ್ಟಿಕೊಂಡು ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ನಡೆದ ವಿದ್ಯಾರ್ಥಿನಿ ನೇಹಾರವರ ಕೊಲೆಯ ಬಗ್ಗೆ ನ್ಯಾಯ ಕೊಡಿಸಬೇಕೆಂದು ಒಂದು ಧರ್ಮದ ವಿರುದ್ಧ ಹಾಗು ಒಂದು ರಾಜಕೀಯ ಪಕ್ಷದ ಪರವಾಗಿ ಸಹಾನುಭೂತಿಯನ್ನು ಪಡೆಯಲು ಪ್ರತಿಭಟನೆಗೆ ಸಜ್ಜಾಗಿ ಮಾದರಿ ನೀತಿ ಸಂಹಿತೆಯನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿರುವುದು ಈವರೆವಿಗೂ ನಡೆಸಿದ ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತೆ.*
>
> *ಆದ್ದರಿಂದ ಮೇಲ್ಕಂಡ ಆರೋಪಿಗಳು ಕಲಂ 125ರ ಪ್ರೆಸೆಂಟೇಷನ್ ಆಫ್ ಪೀಪಲ್ ಆಕ್ಟ್ ರೀತ್ಯ ಆರೋಪವೆಸಗಿದ್ದು ಶಿಕ್ಷಾರ್ಹರಾಗಿರುತ್ತಾರೆ."*

12. The allegations found in column No.17 of the charge sheet would make it clear that the persons who had assembled near Kote Anjaneya Swamy temple, demanded for justice in connection with murder of Neha which took place at Hubballi and they were in the preparation of protest, in violation of Code of Conduct.

13. According to prosecution, the said protest was intended against a particular religion and in favour of a particular political party.

14. The allegations found in the column No.17 of the charge sheet do not indicate as to how the investigation agency came to know that the mob was preparing to raise slogans against a particular religion or community or in favour of a particular political party.

15. As such, continuation of the criminal case is nothing but abuse of process of law.

16. Accordingly, following:

ORDER

(i) Petition ***allowed***.

(ii) Pending criminal proceedings in Crime No.0188/2024 dated 25.04.2024 registered by the Tumakuru Town Police, stands quashed *qua* petitioners.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 74
CT:VRR