HC-KAR
NC: 2026:KHC:64569
CRL.P No. 14253 of 2026
CNR: KAHC010650612026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 14253 OF 2026

BETWEEN:

KHALID MUSHRAF @ KHALID MUSHARRUF,
S/O R. ABDUL JALEEL,
AGED ABOUT 50 YEARS,
R/AT, 11, CHIKKA BAZAR ROAD CROSS,
NEAR MODI MASJID, TASKER TOWN,
H.K.P. ROAD, BENGALURU - 560051.

…PETITIONER

(BY SRI MOHAMMED TAHIR.,ADVOCATE)

AND:

1. STATE BY KOTHANUR P S,
REP. BY STATE PUBLIC PROSECUTOR,
OFFICE AT, HIGH COURT COMPLEX,
OPP. TO VIDHANA SOUDHA,
BENGALURU - 560001.

2. MASEEH AHMED,
S/O DASTAGIR,
AGED ABOUT 40 YEARS,
R/AT NO.208/532, NEAR SANABIL SCHOOL,
HOMMADEVANAHALLI VILLAGE,
GOTTIGERE POST, BENGALURU - 560083

…RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP A/W
SRI NAGHARISH G S, HCGP FOR R1,
SMT P VARALAXMI NAGARAJ, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (U/S 528 BNSS) B THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS

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HONORABLE COURT MAY BE PLEASED TO 1.QUASH THE FIR DATED 25.10.2025 BEARING CR.NO.323/2025 REGISTERED BY THE RESPONDENT NO.1 KOTHNUR P.S. FOR THE ALLEGED OFFENCE P/U/S 352,351(2) OF BNS AT ANNEXURE-A NOW PENDING ON THE FILE OF THE HONBLE 29TH A.C.J.M BENGALURU WHEREIN PETITIONER IS ARRAYED AS ACCUSED NO.1 AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, 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 petitioner and the learned High Court Government Pleader for the first respondent-State.

2. The learned counsel for the second respondent seeks permission to appear and file vakalath.

3. The learned counsel appearing for the petitioner would submit that the impugned order passed by the Magistrate directing registration of FIR and directing the investigating officer to investigate the matter does not reflect any reasons to register FIR and to investigate the case for the offences under Section 352 and 351(2) read with Section 190 of Bharatiya Nyaya Sanhita, 2023 ('BNS').

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4. The learned counsel for the petitioner would refer to the judgment of the Coordinate Bench of this Court in Criminal Petition No.101997/2019 and the judgment in Criminal Petition No.13215/2023 to urge a contention that order should be a speaking order and without there being any reasons for directing the registration of FIR and the investigation, the order has to be set aside and the matter has to be remitted to the Trial Court for fresh consideration.

5. In addition, it is also urged that the contents of the complaint do not disclose the ingredients of the cognizable offence and the fact that a civil dispute is pending between the complainant and the petitioner is not taken note of by the Magistrate and thus, would urge that the impugned order could not have been passed.

6. It is also the further submission that the Magistrate should have held further inquiry given the fact that a civil suit is pending between the parties and there are no eyewitnesses to the alleged incident.

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7. The learned HCGP would submit that the complainant has approached before the Magistrate seeking permission as the police refused to register the FIR on the premise that it is a non-cognizable offence and the Magistrate having gone through the contents of the complaint has directed registration of an FIR.

8. The learned counsel for the second respondent would submit that the alleged incident has taken place. The ingredients attract the offence of non-cognizable offence and the matter requires investigation and merely because the civil suit is pending, one cannot jump to the conclusion that the incident has not taken place. Whether the incident has taken place or not is a matter to be investigated by the police and the police have to file appropriate report.

9. The Court has considered the contentions raised at the Bar and perused the records.

10. The impugned order dated 23.10.2025 reads as under:

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"Complainant by name Mashiha Ahmed appeared before Court filed requisition seeking directions to SHO of Kothanur P.S to register case for the offences U/s 352, 351(2) r/w 190 of BNS and Investigate the matter in NCR No:480/2025.

Copy of N.C.R. is herewith enclosed.

For Kind Orders

The complainant by name Mashhiha Ahmed submitted that the request for seeking permission to register the case against the accused persons and to investigate the case.

On perusal of the material on record it is noticed that the complainant filed the complaint on 22.10.2025 before the IO. On the basis of the said complaint the SHO registered the case in NCR No.480/2025 and now the complainant appeared and submitted the request as well as the NCR copy before the court and requested to record his statement at about 3.00 pm.

It is required to take permission from the Magistrate to register the case and to conduct investigation. Accordingly, the complainant submitted this request. There are sufficient materials available to give permission to register the case and for investigation u/s.352, 351(2) R/w 190 of BNS. Hence, the request submitted by the complainant is hereby allowed. Office is hereby directed to send intimation to the SHO of Kothanur

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P.S., for registration of case and to investigate the matter."

11. On perusal of the impugned order, it is apparent that the Magistrate has referred to the contents of the complaint. The Magistrate has also noted that the complainant has approached the Magistrate seeking permission to proceed against the accused. The Magistrate has taken note of the fact that complainant on 22.10.2025 approached the police and the case is registered in NCR No.480/2025 and complainant is seeking permission of the Court to investigate the matter.

12. The Court has taken note of the fact that the offence alleged is registered as non-cognizable. Hence, the complaint before the Court seeking permission.

13. This Court also records the finding that sufficient materials are available to grant permission to register the case for investigation under Sections 352, 351(2) read with Section 190 of BNS.

14. The impugned order apparently leads to the prima facie inference that the Magistrate has read the contents of the

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complaint as it has taken note of the provisions of BNS for which, the petitioner is accused of.

15. Assuming that the order does not contain the detailed reasons, the Court in exercise of jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') is not precluded from supplementing the reasons. The Court has taken this view in Crl. P. No.13215/2023.

16. This Court has gone through the contents of the complaint. In the complaint it is alleged that the complainant had gone to the property bearing Survey No.105/3, 105/2 and 104/3 on 20.10.2025 along with his wife and the workers. At that point of time, it is alleged that the accused No.1 and employees working under accused No.1 and the students attacked the petitioner No.1 and gave a life threat and they made an attempt to assault the wife of the complainant and it is also alleged that they have thrown out the utensils and the cloths and it is also stated that the workers came to the rescue of the complainant.

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17. The further allegation is that the petitioner has also hurled the abusive words against the workers and pushed them out of the gate. The complainant states that he was scared and came to the police station along with his wife.

18. It is also stated in the complaint that there is an interim order in O.S. No.25314/2024. The contents of the complaint in the opinion of this Court certainly attract the ingredients of the offence under Sections 351 and 352 read with Section 190 of BNS, 2023. Thus, the Magistrate is justified in directing registration of FIR and directing investigation.

19. The Court does not find any error in the order passed by the Trial Court.

20. Petition is ***dismissed***.

21. It is made clear that observations made in this order are only confined to the merit of the petition under Section 528 of BNSS.

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22. There shall be an objective investigation into the matter and the police have to file appropriate report.

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 10