HC-KAR

NC: 2026:KHC:59617
CRL.P No. 15464 of 2025

CNR: KAHC010730502025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 15464 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

MR RAKSHITH
S/O VRISHBHENDRA KUMAR
AGED ABOUT 33 YEARS,
R/A NO. 41,
4TH B CROSS
KODHIHALLI, 1ST FLOOR,
LAKSHMI NILAYA
BEHIND LEELA PALACE
HAL 2ND SAGE
BANGALORE-560008
AND ALSO #1037/1
SJH ROAD
VIDYARANYAPURAM
MYSORE-570008

...PETITIONER

(BY SRI. SHIVARAJ N ARALI.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REP BY LAXMIPURAM POLICE STATION
   MYSORE-570004
   REP BY SPP
   HIGH COURT OF KARNATAKA
   BENGALURU 01

2. SRI H NANJEGOWDA
   S/O N T H GOWDA
   AGED ABOUT 70 YEAWRS
   PRINCIPAL, YUVARAJA COLLAGE,

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CNR: KAHC010730502025

MYSORE CITY
KARNATAKA-570004

…RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
R2-SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH ANNEUXRE-A THE FIR AND COMPLAINT DATED 27.08.2013 IN CR.NO.89/2013 REGISTERED PURSUANT TO COMPLAINT LODGED WITH THE 1ST RESPONDENT LAXMIPURAM P.S. MYSORE FOR THE OFFENCE P/U/S 143,145,149,448,427 OF IPC 1860 R/W SEC.2 OF PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT 1984 AS AGAINST THE PETITIONER AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

   a. *Quash Anneuxre-A the FIR and complaint dated 27.08.2013 in Cr.No.89/2013 registered pursuant to complaint lodged with the 1st respondent Laxmipuram P.S. Mysore for the offence p/u/s 143,145,149,448,427 of IPC 1860 r/w sec.2 of prevention of damage to public property act 1984 as against the petitioner.*

   b. *Quash Anneuxre-B the charge sheet dated 08.07.2014 in Cr.No.89/2013 filed by the 1st respondent Mysore P.S. Mysore for the offence p/u/s 143,145,149,448,427 of IPC 1860 r/w sec.2 of Prevention of Damage to Public Property Act 1984 as against the petitioner.*

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c. Set aside Annexure-C order dated 12.09.2014 taking cognizance and issuing process to the petitioners in C.C.No.2752/2014 on the file of I AFCJ (Jr.Dn) and J.M.F.C Court Mysore for the offence p/u/s 143,145,149,448,427 of IPC 1860 r/w sec.2 of Prevention of Damage to Public Property Act 1984 as against the petitioner Annexure-C.

2. Respondent No.2 had lodged a complaint on 27.08.2013 alleging that certain persons had come to the college premises and had held a dharana protesting against the withholding of the examination results as regards certain students whose attendance was in shortage. In furtherance thereof, an FIR in Crime No. 89/2013 came to be registered on 27.08.2013 by the Lakshmipuram Police Station for offences under Section 143, 145, 448, 427, 149 of the IPC and Section 2 of the Prevention of Damage to Public Property Act, 1984. Investigation having been completed, a charge sheet came to be laid on 08.07.2014 for offences under Section 143, 448, 427 read with 149 and Section 2 of the Prevention of

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Damage to Public Property Act, 1984. It is challenging the same the petitioner is before this Court.

3. The submission of learned counsel for the petitioner is that the complaint, as filed, on 27.08.2013, does not disclose the name of the petitioner. It discloses only the names of four persons along with certain others. Even the evidence statements of CW4 and 5, who are stated to be only eyewitnesses, do not indicate that they saw the petitioner during the course of the protest. By referring to the said statements, he submits that CW4 and 5 have stated that they came to know about the presence of 18 persons and have not specifically indicated that they saw the petitioner on that day.

4. Learned counsel for the petitioner also relies upon the decision of the coordinate Bench of this Court dated 01.06.2026 in **Basavaraj Kalakappa Masagatti and others -v- The State of Karnataka**

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and another [Criminal Petition No. 101701/2021], more particularly para 6, 7, 8 and 9 thereof, which are reproduced hereunder for easy reference:

> ***6.*** *It is noticed that the charge sheet has been filed for the aforementioned offences against the petitioners and others, totaling nine accused. As per the averments in the complaint, the complainant was allegedly kidnapped by four persons specifically named therein and was taken to the factory premises belonging to accused No.9, where he was allegedly assaulted.*
>
> ***7.*** *The complaint does not disclose the presence or involvement of accused Nos.6 to 8. The police have filed charge sheet against the petitioners solely on the basis of the statements made by CW-10, CW-11 and CW-12, who have stated only that they heard about the commission of alleged offence by the petitioners and other accused persons.*
>
> ***8.*** *The Court, on consideration of the material on record, is of the view that the charge sheet against accused Nos.6, 7 and 8 cannot be sustained. The statements of CW-10, CW-11 and CW-12 are hearsay, as they have only stated that they heard about the alleged incident and have no direct knowledge of the same.*
>
> ***9.*** *Further, the complainant has neither named accused Nos.6, 7 and 8 in the complaint nor attributed any role to them. The complaint specifically names only four persons as having committed the alleged offences. Except the hearsay statements of CW-10, CW-11 and CW-12, there is no material on record to show the involvement of the present petitioners. Therefore, filing of the charge sheet against accused Nos.6, 7 and 8 solely on the basis of such hearsay statements cannot be sustained in law.*

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5. By relying on the decision in **Basavaraj Kalakappa Masagatti**, his submission is that when the Petitioner had not been named in the complaint and no particular act has been attributed to the petitioner, the eyewitnesses not having identified the petitioner to have been there at the time of the said protest, the continuation of the proceedings would cause injustice to the petitioner and as such, he submits that the proceedings ought to be quashed.

6. Sri. Ranjith Kumar, learned HCGP, on enquiry, submits that apart from the two eyewitnesses as stated supra, there are no other eyewitnesses and none has identified the petitioner to be present at the said protest, but, however, submits that the other persons having informed about the presence of the petitioner, the petitioner has been arrayed as accused No. 18.

7. Heard Sri.Shivaraj.N Arali, learned counsel for the petitioner, Sri.Ranjith Kumar.N, learned HCGP for

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respondent No.1 and Respondent No.2 though served has chosen to be unrepresented. Perused papers.

8. A perusal of the papers would indicate that when the complaint was filed, the petitioner was not named. The witnesses have not identified the petitioner to be at the location except to state that they came to know about the presence of various persons including the petitioner. The said statement of the witnesses cannot, on the face of it, result in any conviction of the petitioner, inasmuch as the said statement can only be said to be hearsay and there is no person who can depose against the petitioner to have been present at the time of the alleged offence.

9. In that view of the matter and also taking into account the decision of the Coordinate Bench in **Basavaraj Kalappa, Kalkappa Masagatti**, this Court is of the considered opinion that no case is

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made out against the petitioner and as such passes the following:

ORDER

i. Criminal petition is **allowed.**

ii. The proceedings in C.C. No.2752/2014 arising out of Crime No.0089/2013 pending on the file of I Addl. Civil Judge and JMFC, Mysuru, is quashed.

iii. Pending IA stand disposed.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 52