HC-KAR

NC: 2026:KHC:60470
WP No. 36295 of 2024

CNR: KAHC010746272024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 36295 OF 2024

BETWEEN:

1. MR. VARSHITH K P
AGED ABOUT 28 YEARS,
S/O PADMANABHA,
R/AT 2-140, KORTYDKA HOUSE,
CHOKKADI, AMARAPADANUR VILLAGE,
SULLIA TALUK, D.K DISTRICT-574212

2. MR. MITHUN P N,
AGED ABOUT 24 YEARS,
S/O NARAYANA P K,
R/AT 6-348/2, KALLUMUTLU HOUSE,
NEAR PETROL PUMP,
SULLIA KASABA VILLAGE,
SULLIA TALUK-574239

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

3. MR. HARSHITH CN,
AGED ABOUT 24 YEARS,
S/O NARAYANA M C,
R/AT 5-346, KURUNJIGUDDE HOUSE,
KERPALA, SULLIA KASABA,
SULLIA TALUK,
DAKSHINA KANNADA-574327

4. MR. SUSHMITH B R,
AGED ABOUT 28 YEARS,
S/O RADHAKRISHNA BOLLURU,
R/AT BOLLURU, KUKKUJADKA,
CHOKKADI,
AMARAMUDNOOR VILLAGE,

SULLIA TALUK,
D.K DISTRICT-574212

5. MR. K V VIJETH,
AGED ABOUT 31 YEARS,
S/O K VASANTHA GOWDA,
R/AT KUDKULI, PERLAMPADY,
PUTTUR,
DK DISTRICT 574212

…PETITIONERS

(BY SRI. P P HEGDE, SR. ADVOCATE FOR
SRI. DHANUSH D RAJ, ADVOCATE FOR
SRI. AKSHAY KUMAR JAIN., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SULLIA POLICE STATION,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BANGALORE-01.

2. ABDUL NIYAZ
S/O ISMAIL
AGED ABOUT 24 YEARS,
R/AT PALLANGODU HOUSE,
ADOOR VILLAGE, KASARGOD TALUK AND DISTRICT
KERALA 671121

…RESPONDENTS

(BY SMT. WAHEEDA M M., HCGP FOR R1
R2 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE FIR DTD. 23.09.2024 IN CRIME 113/2024 OF SULLIA POLICE STATION VIDE ANNX-A PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC SULLIA REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 189(2),

191(2), 127(2), 137(2), 115(2), 109, 351(2), 190 OF BNS, 2023 AS AGAINST THE PETITIONERS HEREIN/ ACCUSED NO.1 TO 5 IS CONCERNED, CONSEQUENTLY. QUASH THE ENTIRE PROCEEDINGS PURSUANT TO REGISTRATION OF FIR DD. 23.09.2024 IN CRIME 113/2024 OF SULLIA POLICE STATION VIDE ANNX-A AND B PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC SULLIA AS AGAINST PETITIONER HEREIN / ACCUSED NO.1 TO 5 IS CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.P.P.Hegde, learned Senior Counsel along with Sri.Dhanush D. Raj, learned counsel appearing for Sri.Akshay Kumar Jain, learned counsel for the petitioners and Smt.Waheeda M. M., learned High Court Government Pleader for respondent No.1. Respondent No.2 is served with the notice and remained absent.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayers:

> *"WHEREFORE it is prayed that this Hon'ble Court may kindly may kindly be pleased to:*

a. Issue a Writ of Certiorari or any appropriate other writs or orders quashing the FIR dated 23-09-2024 in Crime 113/2024 of Sullia Police station vide Annexure-A pending on the file of Senior Civil Judge and J.M.F.C, Sullia registered for the offences punishable under Sections 189(2), 191(2), 127(2), 137(2), 115(2), 109, 351(2), 190 of BNS, 2023 as against the Petitioners herein/Accused no.1 to 5 is concerned; consequently

b. Issue a Writ of Certiorari or any appropriate other writs or orders quashing the entire proceedings pursuant to registration of FIR dated 23-09-2024 in Crime 113/2024 of Sullia Police station vide Annexure-A and 'B' pending on the file of Senior Civil Judge and J.M.F.C, Sullia as against Petitioners herein/Accused no.1 to 5 is concerned;

C. Grant such other and further reliefs as this Hon'ble Court deems fit to grant under the circumstances of the case, in the interest of justice and equity."

3. Facts of the case are as under:

3.1. Respondent No.2 filed a complaint with Sullia Police Station by contending that he was travelling in a KSRTC Government bus on 22.09.2024 and 23.09.2024 at about 5.00 a.m., in Bisle Ghat, a girl student approached the bus and sat in an empty seat adjacent to the seat were respondent No.2 was already seated.

3.2. At about 6 a.m., in the deep sleep, respondent No.2 said to have leaned on the shoulder of the said girl and same was reported to the conductor by the girl student and also took a photograph of the incident.

3.3. At about 9.00 a.m., when respondent No.2 was standing near Jalsoor bus stand, five persons came in a swift car and forcibly abducted him into the said car and took him near Sullia bus stand and assaulted him with hands mercilessly.

3.4. After taking respondent No.2 to the Slulia bus stand, he was identified by the girl student who allegedly misbehaved with her. Group also threatened him with dire consequences in case if he indulges in misbehaving with Hindu girls.

4. Based on the complaint, Sullia Police registered a case in Crime No.113/2024 on 23.09.2024 for the offence punishable under Sections 189(2), 191(2), 127(2), 137(2), 115(2), 109, 351(2) and 190 of Bharatiya Nyaya Sanhita, 2023 and are investigating the matter.

5. Very registration of the FIR is called in question by the petitioners herein by contending that in the first place, respondent No.2 was a stranger to these petitioners and therefore, their identity with the names etc., are concocted by the police in active collusion of respondent No.2 with an intention to curb the social service activities of the petitioners.

6. Sri.P.P.Hegde, would contend that incident has occurred on account of respondent No.2 voluntarily misbehaving with a girl student who boarded the bus in Bisle Ghat. The incident was videographed by the girl student and complained to the conductor.

7. The incident having been reported to the conductor, said incident was stopped there itself and later on, the second incident said to have occurred in Jalsoor village bus stand wherein the petitioners said to have abducted respondent No.2.

8. He would also contend that no injuries are found though in the complaint itself, there is a mention that complainant had first aid in the hospital at Sullia and further treatment at Kasargod.

9. He would further contend that respondent No.2 being the resident of Kasargod, said to have lodged a complaint in the Mulleria Cooperative Medical Centre at Kasargod.

10. Nothing prevented respondent No.2 to approach the jurisdictional police in Sullia itself especially when he has taken the first aid in Sullia Hospital.

11. He would also point out that no MLC report is prepared in the hospital at Sullia and the complaint of respondent No.2 is an afterthought only with an intention to harass the present petitioners in active collusion of the police and thus sought for quashing of the complaint.

12. Per contra, Smt. Waheeda M.M., learned High Court Government Pleader for respondent No.1 would support the continuation of the criminal case by contending that the act of the petitioners *per se* amount to moral policing.

13. She would further contended that pertinently there is no complaint by the girl student who is said to be the victim of the incident wherein, respondent No.2 has misbehaved with the aforesaid girl student. She would also contend that the

incident has been reported to the conductor of the bus by the girl student and there is no complaint by the conductor to Sullia Police. Therefore, she submits that the high handed action of the petitioners needs to be investigated and suitable report is to be filed by the police and thus sought for dismissal of the petition.

14. Having heard the arguments of both sides, this Court perused the material on record meticulously.

15. On such perusal of the material on record, it is to be noted that the respondent No.2 having traveled in the KSRTC bus is not in dispute. Pertinently, the bus number is not mentioned in the complaint. It is the specific case of respondent No.2 that after the alleged incident of misbehaving with a girl student, he was found near Jalsoor bus stand.

16. If the respondent No.2 is the resident of Kasargod, what made him to get down from the bus at Jalsoor is not forthcoming in the complaint. Therefore, very genesis of the crime as is complained by respondent No.2 itself is doubtful

that the respondent No.2 having been picked up by the petitioners in a Swift Car as is alleged by the respondent No.2.

17. Perhaps, the incident where respondent No.2 having misbehaved with the girl student, had been intimated to the concerned in Sullia Bus Stand itself and there might have been altercation with the respondent No.2 in Sullia Bus Stand itself.

18. Having escaped from the wrath of the general public, as an afterthought, respondent No.2 got admitted into the hospital at Kasargod and thereafter sent a message to the Sullia Police and Woman Constable from Sullia Police Station having visited Community Health Centre, Sullia, obtained the complaint.

19. It is pertinent to note that the respondent No.2 said to have obtained first aid treatment in Sullia Hospital itself. Distance between the Sullia Hospital and the Sullia Police Station is only five minutes journey and nothing prevented the respondent No.2 to immediately approach the Sullia Police after

obtaining the first aid treatment at Sullia and lodged the complaint.

20. All these factors when viewed cumulatively, this Court finds sufficient force in the contentions urged on behalf of the petitioners that as an afterthought, respondent No.2 has given a different colour to the unfortunate incident that occurred in the bus and bus stand.

21. Pertinently, no serious injuries are also found on the body of the respondent No.2 which would indicate that the gravity of the incident as is portrayed in the complaint is exaggerated.

22. Moreover, as rightly contented on behalf of the petitioners, respondent No.2 being a stranger to the petitioners, how he can name the present petitioners' names with the necessary details like ages, address, father’s name etc., to lodge the complaint, that too when he is taking treatment in hospital at Kasaragod is a question that raises sufficient doubt about the very genesis of the crime.

23. Thus, continuation of the criminal case in the considered opinion of this Court is nothing but abuse of process of law.

24. Hence, following:

ORDER

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

(ii) Consequently, FIR dated 23.09.2024 in Crime No.113/2024 registered by the Sullia Police Station, vide Annexure-A pending on the file of Senior Civil Judge and JMFC, Sullia for the offences punishable under Section 189(2), 191(2), 127(2), 137(2), 115(2), 109, 351(2), 190 of Bharatiya Nyaya Sanhita, 2023 is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

KAV,RL
List No.: 1 Sl No.: 29