



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 17TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 100587 OF 2023

BETWEEN:

MR. HANUMESHA S/O MARIYAPPA KADEMANI,
AGE. 45 YEARS, OCC. CONTRACTOR,
R/O. TEACHERS COLONY KOPPAL,
TQ & DIST. KOPPAL.

... PETITIONER

(BY SRI. NEELENDRA .D. GUNDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
KOPPAL TOWN POLICE STATION,
R/BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD.
2. SRI. NAGAPPA H.,
AGE. 57 YEARS, OCC. PSI,
R/O. KOPPAL TOWN POLICE STATION,
KOPPAL-583231.

... RESPONDENTS

(BY SRI. V.S KALASURMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C.
SEEKING TO QUASH THE ORDER DATED 20.06.2022 IN C.C.NO.
540/2022 PASSED BY THE SENIOR CIVIL JUDGE AND CJM KOPPAL IN
KOPPAL TOWN P.S. CRIME NO. 21/2022 FOR THE OFFENCES
PUNISHABLE U/SEC. 143, 341, 269, 270, 149 OF IPC AND SEC. 109
OF KP ACT AND ALLOW THE ABOVE CRIMINAL PETITION.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE
COURT MADE THE FOLLOWING:





ORDER

1. The petitioner is before this Court calling in question the proceedings in CC.No.540/2022 pending on the file of the Senior Civil Judge and CJM, Koppal for the offences punishable under Sections 143, 341, 269, 270, 149 of IPC and Section 109 of the K.P.Act.

2. Learned counsel appearing for the petitioner would submit that issue in the *lis* stands answered by the Co-ordinate Bench in Crl.P.No.103364/2022, dated 5.12.2022, wherein the Co-ordinate Bench has held as follows:

ORDER

FIR was registered for the offences punishable under Sections 109 of the Karnataka Police Act, 1963 and under Sections 143, 149, 269, 270 and 341 of the Indian Penal Code, 1860 (for short, "IPC") alleging that the members of Samvidhana Ulisi Andholana Samithi took out a procession to protest the incident insulting the photo of Dr. Baba Saheb Ambedkar against the unknown 350 to 400 members of the Samithi alleging that the protest was in violation of the Central Government and the State Government circulars.

2. The Police after investigation, submitted the charge sheet arraying the petitioners as accused No.29 and 32 on the information furnished by the people living in the surrounding area.



3. Learned Magistrate took cognizance of the aforesaid offences and issued summons. Taking exception of the same, the petitioners/accused No.29 and 32 are before this Court.

4. Sri. Mrutyunjay S.Hallikeri, learned counsel appearing for the petitioners submits in the absence of any statement of the eyewitnesses to the alleged incident, the charge sheet filed only on the information gathered from the public at large is without any substance.

5. On the other hand, Sri. V.S.Kalasurmath, learned HCGP appearing for the State submits that on the information gathered from the public, that the petitioners had taken part in the procession and thus violated the circular issued by the State Government as well as the Central Government, the learned Magistrate has rightly taken the cognizance of the aforesaid offences and the same does not warrant any interference.

6. I have examined the submissions made by the learned counsel for the parties.

7. The petitioners have been charge sheeted only on the basis of the information alleged to have been gathered from the public at large and in the absence of any material much less corroborative material, and the charge is filed only on the basis of such alleged information is without any substance more so in the absence of any statement by the eyewitness to the alleged incident.



8. Hence, the continuation of the criminal proceedings will be an abuse of process of law. Accordingly, I pass the following:

ORDER

- i. Criminal petition is allowed.*
- ii. The impugned proceedings in C.C.No.540/2022 on the file of the learned Senior Civil Judge and CJM, Koppal insofar as it relates to accused No.29 and 32 is hereby quashed.*

3. In the light of the identical issue having been answered by the Co-ordinate Bench Supra, the petition deserves to succeed.

For the aforesaid reason, the following:

ORDER

- i) Criminal petition is allowed.
- ii) The impugned proceedings in C.C.No.540/2022 on the file of the Senior Civil Judge and CJM, Koppal insofar as it relates to petitioner-accused No.18 is hereby quashed.

Sd/-
JUDGE

Vb
Ct:bck