



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 1242 OF 2026

BETWEEN:

1. KAREEM ULLA,
S/O. KHALEEL UR REHAMAN,
AGED ABOUT 55 YEARS,
R/AT 4TH, NEAR ST. NOBLE SCHOOL,
TANI ROAD, BANGALORE - 560 045.

...PETITIONER

(BY MS.SAIMA FATHIMA, ADVOCATE FOR
SRI. KALEEM SABIR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY KOLAR RURAL POLICE STATION,
KOLAR - 563 101.

(REPRESENTED BY STATE PUBLIC PROSECUTOR)
HIGH COURT OF KARNATAKA AT BANGALORE.

2. SYED MUBARAK,
S/O SYED ATHAULLA,
AGED ABOUT 35 YEARS,
RESIDING AT 1ST CROSS,
VIJAYANAGAR, BANGARAPETE,
KOLAR, PIN - 563 161.

...RESPONDENTS

(BY SRI.CHANNAPPA ERAPPA, HCGP FOR R1)





THIS CRL.P IS FILED U/S.482 (FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE PROCEEDINGS INITIATED AGAINST HIM IN C.C.NO.546/2020 ON THE FILE OF THE HONBLE I ADDL SENIOR CIVIL JUDGE AND CJM, KOLAR, KOLAR DISTRICT, WHICH IS ARISING OUT OF CRIME NO.285/2019 OF KOLAR RURAL POLICE STATION, KOLAR FOR THE OFFENCE P/US/ 279, 304(A) OF IPC AND U/S.187 OF IMV ACT AS AN ABUSE OF PROCESS OF LAW.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused is before this Court in this Criminal petition filed under Section 528 of BNSS, 2023 read with Section 482 of Cr.PC with a prayer to quash the entire proceedings in C.C.No.546/2020 pending before the Court of I Additional Senior Civil Judge and C.J.M, Kolar arising out of Crime No.285/2019 registered by Kolar Rural Police Station, Kolar, for offence punishable under Sections 279, 304(A) of IPC and Section 187 of the Indian Motor Vehicle Act, 1988.

2. Heard the learned counsel for the parties.



3. Petitioner has been charge sheeted by Kolar Rural Police Station in Crime No.285/2019 for the aforesaid offences. It is the case of the prosecution, on 12.07.2019 at about 09.30 p.m., the petitioner along with Sayed Zabiulla alias Sayed Zabi was traveling in the car bearing registration No.KA-05-MA-4563 belonging to CW.2 Chandramouli and the said car was driven by the petitioner. At about 11.30 p.m., when the aforesaid car had reached Arabhikottanuru gate on NH-75, the petitioner who was driving the car in a rash and negligent manner, lost control of the vehicle and dashed against the divider and in the said accident Syed Zabiulla @ Syed Zabi, who was traveling along with the petitioner in the car had suffered grievous injuries and he succumbed to the same at the spot. The petitioner thereafter had abandoned the deceased and the car and had escaped from the spot of accident. Assailing the charge sheet filed in Crime No.285/2019, the petitioner is before this Court.



4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that the entire case of the prosecution is based on circumstantial evidence. The chain of circumstances is not completed in the present case and therefore, the proceedings needs to be quashed. In support of her arguments, she has placed reliance on the judgment of the Hon'ble Supreme Court in case of **PADMAN BIBHAR VS. STATE OF ODISHA - 2025 SCC ONLINE SC 1190**. She also submits that petitioner aged about 65 years is a cancer patient. Pendency of the case has been causing untold hardship to him and he is not in a position to appear before the Court on the regular dates of hearing. She has also produced certain medical records of the petitioner in support of her contention that he is a cancer patient.

5. *Per contra*, learned HCGP has opposed the prayer made in the petition and submits that charge sheet material makes out a *prima facie* case against the



petitioner for the alleged offences. Accordingly, he prays to dismiss the petition.

6. FIR in the present case was registered by Kolar Rural Police Station in Crime No.285/2019 against the petitioner for the aforesaid offences, based on the first information dated 13.07.2019, received from Syed Mubarak, who is the elder brother of deceased Syed Zabiulla @ Syed Zabi. The first informant has stated that on 12.07.2019 when he was along with his brother Syed Zabi in the garage, the petitioner who came there asked Syed Zabi to accompany him in the car bearing registration No.KA-05-MA-4563 and accordingly his brother had accompanied the petitioner. Subsequently, he received a phone call at about 12.55 p.m. and came to know about the accident-in-question in which his brother had died. It is under these circumstances, FIR was registered against the petitioner.



7. During the course of investigation, police have recorded statements of 20 charge sheet witnesses in the present case. CW.3-Chandramouli is the owner of the offending the car by registration No.KA-05-MA-4563 and this witness also has stated that petitioner had taken the car from him and on the date of accident, he was using the same. The evidence of the other charge sheet witnesses would also go to show that on the alleged date of accident, petitioner was driving the offending car and deceased was the inmate of the said car. In the accident-in-question that had taken place on the intervening night of 12.07.2019 and 13.07.2019, the deceased, who had suffered grievous injuries, had succumbed to the same at the spot. According to the prosecution, the petitioner had abandoned the deceased and the car and had escaped from the spot of accident.

8. Under the circumstances, I am of the opinion that charge sheet material makes out a *prima facie* case against the petitioner for the alleged offences. The



judgment in the case of **PADMAN BIBHAR** (supra) on which reliance has been placed by learned counsel for the petitioner cannot be made applicable to the facts and circumstances of this case. In the said case, accused was charge sheeted for offence punishable under Section 302 read with Section 401 of IPC and the judgment and order of conviction passed against the accused was questioned before the Hon'ble Supreme Court. The petitioner is before this Court under Section 528 of BNSS, 2023 read with Section 482 of Cr.PC with a prayer to quash the proceedings on the ground that circumstances are not sufficient to prosecute petitioner for the charge sheeted offences. Whether, the circumstances are sufficient or not to prosecute the petitioner for the charge sheeted offences is the subject matter of trial and at this stage no finding can be recorded on the same.

9. Under the circumstances, I am not inclined to entertain this petition. Learned counsel for the petitioner has submitted before this Court that the petitioner is a



cancer patient and therefore, he is finding it difficult to appear before the Trial Court on the regular dates of hearing. Considering the said submission and also the medical records of the petitioner which is made available in this Court, liberty is granted to him to file necessary application before the Trial Court to permit him to appear before the Court virtually and the Trial Court shall consider such applications, liberally taking into consideration his health condition and shall not insist on his personal appearance physically, unless it is necessary. Accordingly, the Criminal petition is ***dismissed.***

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KVR
List No.: 1 Sl No.: 19