



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO.14239 OF 2025

BETWEEN:

1. M.N. RAMESH
S/O. GURUVAPPA,
AGED ABOUT 63 YEARS,
RESIDING AT HAVANUR LAYOUT,
NAGASANDRA POST,
BANGALORE - 560 073.
2. BHARATH RAMESH SOUNDARYA,
S/O. MOOLYA SOUNDARYA RAMESH,
AGED ABOUT 36 YEARS,
RESIDING AT NO.1000,
NEAR GANESHA TEMPLE,
HAVANUR EXTENSION,
NAGASANDRA,
BANGALORE - 560 073.

...PETITIONERS

(BY SRI. SUHITH S., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BYADARAHALLI POLICE STATION



REPRESENTED BY SPP
HIGH COURT BUILDING,
BENGALURU - 560 001

2. SRI. CHIKKA RAMEGOWDA,
S/O. LATE. MADLI GOWDA,
AGED ABOUT 77 YEARS
RESIDING AT TUBINAKERE VILLAGE,
HIRESAVE HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN - 573 124

...RESPONDENTS

(BY SRI. B.N. JAGADEESHA, ADDL. SPP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE FIR REGISTERED BY THE BYADARAHALLI POLICE IN CR.NO.473/2025 AGAINST THE PETITIONERS FOR THE OFFENCES P/U/S 316(2), 318(4), 351(2), 336(3), 338 OF THE BNS, 2023, ON THE BASIS OF THE PRIVATE COMPLAINT LODGED BY THE 2ND RESPONDENT IN PCR.NO.643/2024, PENDING ON THE FILE OF THE CJM, BANGALORE RURAL DISTRICT, BANGALORE.

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



CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners are before the Court, seeking the following prayer:

- "a) Quash the first information report registered by the Byadarahalli Police in Crime No.473/2025 against the Petitioners for offences punishable under sections 316(2), 318(4), 351(2), 351(3), 336(3) and 338 of the Bharatiya Nyaya Sanhita, 2023 on the basis of the private complaint lodged by the 2nd Respondent in P.C.R. No.643/2024 pending on the file of the Chief Judicial Magistrate (CJM), Bangalore Rural District, Bangalore.
- b) To grant such other relief/s as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of Justice."

2. Heard Sri. Suhith S., learned counsel appearing for the petitioners, Sri. B.N. Jagadeesha, learned Addl. SPP appearing for respondent No.1 and have perused the material on record.

3. The petitioners are accused Nos.1 and 2. The complainant initially approaches the jurisdictional police seeking registration of the crime. The police would not register the crime on the score that the matter is purely civil in nature and render a non-cognizable report. The complainant would then



approach the jurisdictional learned Magistrate under Section 223 of the BNSS in PCR No.643/2024. The learned Magistrate calls for a report as obtaining under Section 172 of the BNSS from the hands of the jurisdictional police. What the jurisdictional police would do is quite surprising. The jurisdictional police would register an FIR pursuant to the order of the learned Magistrate calling for a report and place the FIR as a report before the learned Magistrate. The learned Magistrate blissfully ignoring the law, closes the private complaint on the score that the order of calling for a report has already resulted in an FIR being registered. This blatant ignorance of law cannot be countenanced on the part of the judicial officers. There is no order of reference for registration of the crime without the order of reference under Section 175(3), the crime is registered. That is accepted by the learned Magistrate and the private complaint itself is closed. There is procedural hierarchy in the case at hand. Therefore, the order of the learned Magistrate closing the proceedings stands obliterated, as there was no report called for and the police without the report have registered the crime in Crime No.473/2025. The FIR also needs to be obliterated.



4. For the aforesaid reasons, the following:

ORDER

- (i) The petition is allowed.
- (ii) The closing of the PCR in PCR 643/2024 stands quashed.
- (iii) The FIR so registered without the reference being made by the learned Magistrate also stands quashed.
- (iv) The PCR is restored to file of the Chief Judicial Magistrate (CJM), Bangalore Rural District, Bangalore to pass necessary orders in accordance with law bearing in mind the observations made in the course of the order.

Ordered accordingly.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**