



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 14932 OF 2025

BETWEEN:

1. SRI NASEER AHMED
S/O C K M HYDER,
AGED ABOUT 66 YEARS,
RESIDING AT NO. 391,
2ND CROSS, 2ND STAGE,
80 FEET ROAD, RMV 2ND STAGE,
BANGALORE NORTH,
BANGALORE-560 094

... PETITIONER

(BY SRI. V. LAKSHMINARAYANA, SENIOR ADVOCATE FOR
SRI CHANDPASHA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY VIDHANA POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560 001,
2. SRI. AMRUTHESH N.P
AGED ABOUT 51 YEARS,
RESIDING AT NO. 15/1,
1ST FLOOR, 3RD CROSS,





SAMPIGE ROAD,
MALLESHWARAM,
BANGALORE-560 003

... RESPONDENTS

(BY SRI. JAGADEESHA B.N., ADDL. SPP FOR R1;
R2 - SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED U/S 528 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE CHARGE SHEET IN C.C.NO.38171/2025 ARISING OUT OF CRIME NO.59/2019 REGISTERED BY THE RESPONDENT NO.1 POLICE AGAINST THE PETITIONER FOR THE ALLEGED OFFENCES P/U/S/ 323 AND 341 OF IPC, 1860 PENDING ON THE FILE OF THE XLII ACJM BENGALURU VIDE ANNEXURE-C IN SO FAR AS THE PETITIONER IS CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Learned counsel for the petitioner submits that the present petition may be limited to the relief of quashing as regards the offence punishable under Section 323 of IPC, 1860.

2. It is submitted that insofar as the offence punishable under Section 341 of IPC is concerned, the petitioner reserves liberty to take appropriate stand before the trial Court at the stage of hearing before charge.



3. Taking note of such stand, the present petition is being considered insofar as the plea of the petitioner for setting aside of the proceedings relating to the offence punishable under Section 323 of IPC.

4. The petitioner before this Court is the sole accused in C.C.No.38171/2025 registered in relation to the offences punishable under Sections 323 and 341 of IPC. The petitioner has sought for setting aside of the charge-sheet registered by respondent No. 1 Police.

5. The facts that are made out are that the respondent No.2 is stated to have made out a complaint to respondent No.1-Vidhana Soudha Police Station. The complaint makes out a narration that, on 10.07.2019 in front of the Office of Minister Sri K.J.George and the Speaker of Vidhana Soudha, while Mr. Sudhakar was proceeding to submit his resignation to the Speaker, some Members of the Legislative Council dragged Sri Sudhakar to the Chambers of the Minister and had assaulted him. It



is stated that in connection with the said incident, FIR was lodged, investigation is completed and charge-sheet is filed.

6. It is the case made out by the petitioner that the material placed on record even *prima facie* does not disclose any offence against the petitioner herein and accordingly, the continuation of proceedings against the petitioner amounts to abuse of process of law.

7. Perused the charge-sheet filed on 23.11.2020. It is made out that, on 10.07.2019 at about 04.00 p.m., when the Member of Legislative Assembly, Chikkaballapura and the Chairman of the Karnataka State Pollution Control Board was proceeding to tender his resignation to the Speaker at the West entrance of Vidhana Soudha, when he was proceeding near the lift, CW2 had obstructed the petitioner and assaulted him.

8. Learned counsel for the petitioner would submit that insofar as the case made out of assault, there is



neither supporting material nor any medical records indicating hurt. It is further submitted that no Wound Certificate is marked and the *prima facie* ingredients of Section 323 of IPC are not made out.

9. On a careful reading of Section 321, it is necessary that an act must be done with an intention of causing hurt to a person. The ingredients of Section 321 of IPC are required to be fulfilled. It is necessary that, for the purpose of Section 323, hurt must be caused. The statement Sri K. Sudhakar, the then Member of Legislative Assembly, Chikkaballapura under Section 161 found at Exhibit-'E' would reveal that the only allegation made out is that the said Member was pulled, obstructed and shuffled. There is no medical record to indicate hurt. The charge sheet also does not have any material in support of the finding in Column-7 to establish that hurt was caused.

10. Taking note of the statement of Sri K. Sudhakar under Section 161, it could be stated that no case is made



out insofar as the offence punishable under Section 323 of IPC is concerned. It is necessary for the purpose of Section 323 that hurt must be caused, as it is an essential ingredient of the said offence. There is no statement by any of the witnesses as well to corroborate the allegation of assault resulting in hurt. In the absence of any such testimony or medical records to evidence that hurt has been caused, this Court finds that no offence punishable under Section of 323 of IPC is made out.

11. Accordingly, the proceedings as regards the offence punishable Section 323 of IPC are set aside. The other contentions of the petitioner are kept open regarding the remaining offence, taking note of the stand of petitioner.

12. Accordingly, the proceedings in C.C.No.38171/2025 pending on the file of XLII Additional Chief Judicial Magistrate, Bengaluru insofar as the offence punishable under Section of 323 of IPC stand quashed.



Subject to the above observations, the petition is
disposed of.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

VGR