



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 200189 OF 2026
(482(Cr.PC)/528(BNSS))**

BETWEEN:

1. MOHAMMAD SHABBIR
S/O MOHAMMAD SHALAM
AGED ABOUT 39 YEARS,
OCCU: MEDICAL REPRESENTATIVE
R/O H.NO.12/11/B, HAJI COLONY,
RAICHUR TQ: AND DIST: RAICHUR-584103
2. MOHAMMAD ILIYAS PASHA
@ YUVASHAKTI ILIYAS
S/O MOHAMMAD KHADAR PASHA
AGED ABOUT 45 YEARS,
OCCU: BUSINESS
R/O H.NO.3, GROUND FLOOR,
OPP: GARDEN, BRUNDAVAN COLONY,
JAIL ROAD, RAICHUR
TQ: AND DIST: RAICHUR-584103

...PETITIONERS

(BY SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE SHO,
RAICHUR CEN CRIME POLICE STATION
REPT. BY THE ADDL. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585102





2. MOHAMMAD FASIYUDDIN
AGE: 51 YEARS
OCCU: POLICE INSPECTOR
DSP UNIT, RAICHUR
TQ: AND DIST: RAICHUR-584101

...RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C (OLD) U/SEC. 528 OF BNSS (NEW) PRAYING TO ALLOW THE PETITION AND FURTHER QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.4776/2025, PENDING ON THE FILE OF PRL. CIVIL JUDGE (JR.DN) AND JMFC COURT, RAICHUR, REGISTERED ON THE CHARGE SHEET FILED BY THE RESPONDENT NO.1-RAICHUR CEN POLICE STATION, BASED ON THE COMPLAINT FILED BY THE RESPONDENT NO.2, FOR THE ALLEGED OFFENCES PUNISHABLE U/SECS.316(5), 318(4), 49, 238 R/W 3(5) OF BNS, 2023 AND SEC.26 OF INDIAN TELEGRAPH ACT, 1885 AND SEC.72 OF INFORMATION TECHNOLOGY ACT, 2000.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings against the petitioners/accused Nos.3 and 5 in C.C. No.4776/2025, arising out of Crime No.13/2024 of Raichur CEN Police Station, for the offences punishable under



Sections 316(5), 318(4), 49, 238 r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 [for brevity, 'the BNS, 2023'], Section 26 of Indian Telegraph Act, 1885 and Section 72 of Information Technology Act, 2000 pending on the file of Principal Civil Judge and JMFC, Raichur.

2. It is the contention of the learned counsel for the petitioners that based on the complaint lodged by respondent No.2, the Police Inspector of respondent No.1 – Police registered the case against the petitioners for the aforementioned offences. After investigation, respondent No.1–Police laid charge sheet against the petitioners i.e. accused Nos.3 and 5 for the aforementioned offences.

3. It is the contention of learned counsel for the petitioners that the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933 are repealed as on 24.12.2023 by enacting the new law under the Telecommunication Act, 2023 which came into force on 26.06.2024. However, respondent No.1–Police charge



sheeted these petitioners under the provisions of repealed Act which is not sustainable under law i.e. under the provision of Section 26 of Indian Telegraph Act, 1885.

4. On instructions, learned High Court Government Pleader not disputed that the Indian Telegraph Act, 1885 was repealed with Telecommunication Act, 2023.

5. As rightly contended by the learned counsel for the petitioners, the Indian Telegraph Act, 1885 is repealed with new enactment of Telecommunication Act, 2023 as stated supra. The accusation column No.17 of the charge sheet reveals that, the respondent No.1-Police charge sheeted these petitioners only for the offence punishable under Section 26 of Indian Telegraph Act, 1885. In such circumstances, the proceedings against these petitioners cannot be continued under the said repealed Act. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.



- ii. The proceedings against the petitioners/accused Nos.3 and 5 in C.C. No.4776/2025, arising out of Crime No.13/2024 of Raichur CEN Police Station, for the offences punishable under Sections 316(5), 318(4), 49, 238 r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 26 of Indian Telegraph Act, 1885 and Section 72 of Information Technology Act, 2000 pending on the file of Principal Civil Judge and JMFC, Raichur, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 1 Sl No.: 26
CT-BH