



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201751 OF 2025

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. SRI GURURAJ S/O MALLANNA
AGE 21 YEARS, OCC STUDENT,
R/O HASAMAKAL VILLAGE
TQ. MASKI, DIST.RAICHUR – 584124.
2. SRI HAJARATH S/O KHANASAB
AGE 21 YEARS, OCC STUDENT,
R/O HASAMAKAL VILLAGE, TQ. MASKI
DIST.RAICHUR – 584124.
3. SRI RAMESH S/O MALLAPPA
AGE 21 YEARS, OCC STUDENT,
R/O HASAMAKAL VILLAGE, TQ. MASKI
DIST.RAICHUR – 584124.
4. SRI DEVAYYA S/O. TAKAYYASWAMY
AGE 21 YEARS, OCC STUDENT,
R/O HASAMAKAL VILLAGE
TQ. MASKI, DIST.RAICHUR – 584124.
5. SRI SHIVAKUMAR S/O VENKOBA
AGE 21 YEARS, OCC STUDENT,
R/O HASAMAKAL VILLAGE
TQ. MASKI, DIST.RAICHUR – 584124.
6. SRI CHANDRU S/O SHESHAPPA RATHOD
AGE 21 YEARS, OCC STUDENT,

Digitally signed by
SHIVALEELA
DATTATRAYA
UDAGIRI
Location: HIGH
COURT OF
KARNATAKA



R/O HASAMAKAL VILLAGE
TQ. MASKI, DIST.RAICHUR – 584124.

7. SRI MAHADEVAPPA S/O MALLESH HOSAMANI
AGE 22 YEARS, OCC STUDENT,
R/O HASAMAKAL VILLAGE
TQ. MASKI, DIST.RAICHUR – 584124.

8. SRI AKHILESH S/O SUGAPPA VADDAR
AGE 22 YEARS, OCC STUDENT,
R/O HASAMAKAL VILLAGE
TQ. MASKI, DIST.RAICHUR - 584124

...PETITIONERS

(BY SRI WASIMPASHA UGRANA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH BALAGANUR POLICE STATION,
REP BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH
KALABURAGI – 585103.

2. SRI ANAND S/O MANAPPA KANASAVI
AGE 27 YEARS, OCC SOCIAL SERVICE,
R/O HASAMAKAL VILLAGE,
TQ MASKI, DIST. RAICHUR – 584124.

...RESPONDENTS

(BY SRI J. SHAHABUDDIN, HCGP FOR R1;
SRI ARUNKUMAR AMARGUNDAPPA, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE ENTIRE PROCEEDINGS INITIATED AGAINST THE PETITIONERS / ACCUSED NOS. 1 TO 8 IN C.C.NO.490/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 288, 125 AND 285 OF THE BHARATIYA NYAYA SANHITA, 2023, PENDING BEFORE THE LEARNED CIVIL JUDGE AND JMFC MASKI RAICHUR ASIRING OUT OF CRIME NO.82/2025 BALAGANUR P.S.



RAICHUR DIST. OF THE BALAGANNOOR POLICE STATION IN SO FAR AS THE PETITIONERS ARE CONCERNED.

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.1 to 8 in C.C No.490/2025, arising out of Crime No.82/2025, registered by Balaganoor Police, Raichur, for the offences punishable under sections 288, 125 and 285 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'), pending on the file of Civil Judge and JMFC, Maski, Raichur.

2. The factual matrix of the case is that, respondent No.2/complainant-one Anand, being the social worker, lodged the complaint on 30.05.2025 before respondent No.1-Police alleging that, on 29.05.2025 at about 7.30 p.m., there was a cricket match between two teams i.e., Punjab Kings and Royal Challengers Bengaluru



(RCB). In the said match, the RCB team won the match, as such, to celebrate the same, at 10.30 p.m., the petitioners gathered in the bus stop. At that time respondent No.2 was present near said bus stop. The petitioners burst crackers, poured petrol into plastic bags and fired them and thereby, caused obstruction to the road transportation by endangering human life. Though respondent No.2 advised them not to indulge in such act which endanger the human life, they continued the same by neglecting his advice. Hence, respondent No.2 lodged the complaint before respondent No.1-Police, which registered in Crime No.82/2025 dated 30.05.2025 for the aforementioned offences. Subsequently, respondent No.1-Police conducted investigation and laid charge sheet against the petitioners for the aforementioned offences. Hence, the petitioners are before this Court to quash the proceedings against them.



3. Heard learned counsel for the petitioners, learned High Court Government Pleader for respondent No.1-State and learned counsel for respondent No.2.

4. Apart from urging several contentions, learned counsel for the petitioners primarily contented that, on perusal of the complaint and charge-sheet averments, no offences have been made out under the provisions of Sections 288, 285 and 125 of BNS. He contented that, the petitioners are students and they are pursuing their graduation. He also contented that, except some omnibus allegations against them in the charge sheet, no other specific overt acts have been reported either obstructing the public way or acted negligently in respect of explosive substance, thereby, committing an act endangering life to personal safety. In such circumstances, he prays to allow the petition.

5. *Per contra*, learned counsel for respondent No.2 submits that the investigation is completed and charge sheet has been filed. The statement of eyewitness and the



averments made in the charge-sheet reveals that there is *prima facie* case made out against the petitioners for the offences they have been charge sheeted. Accordingly, the proceedings cannot be quashed against the petitioners.

6. Learned High Court Government Pleader for respondent No.1-State opposed the prayer and prays to dismiss the petition.

7. I have given my anxious consideration on the submission made by the learned counsel for the respective parties and documents available on record.

8. As per the complaint averments, the petitioners being students while celebrating the victory of RCB team on 29.05.2025, they obstructed the road and celebrated by bursting crackers and also poured petrol into plastic bags and set them on fire.

9. On careful perusal of the ingredients of Section 125 of BNS, the same reveals that, whoever does any act so rashly or negligently as to endanger human life or the



personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two thousand five hundred rupees, or with both, but, (a) where the hurt is caused, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both; (b) where grievous hurt is caused, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both. However, on perusal of charge-sheet materials, no such rash and negligent acts on the part of the petitioners are forthcoming in the complaint and the charge-sheet materials.

10. As per other offences are concerned, Section 285 of BNS, reads that, whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury



to any person in any public way or public line of navigation, shall be punished, with fine which may extend to five thousand rupees. However, in the case on hand, there is no such complaint that petitioners obstructed the public way or line of navigation, since the public or owners of vehicles or the persons in the said road have not lodged any complaint.

11. Section 288 of BNS reads that, whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.



12. In the case on hand, though it is averred in the complaint that the accused were using the petrol bombs i.e. by pouring petrol in the plastic bags, they thrown them by letting fire, the charge sheet material does not disclose any such marks or signs in the place of incident that was done with petrol bombs. Moreover, there are no materials for having purchased the petrol or plastic bags. As such, Section 288 also does not attract against the petitioners.

13. The petitioners, being the students, since there are only omnibus allegations forthcoming against them in the charge sheet, I am of the considered view that the continuation of proceedings against these petitioners/accused Nos.1 to 8 is nothing but abuse of process of Court. Hence, the proceedings against them is liable to be quashed. Accordingly, I pass the following:

ORDER

- i) The petition is ***allowed.***
- ii) The proceedings against the petitioners-
accused Nos.1 to 8 in



C.C No.490/2025, arising out of Crime No.82/2025, registered by Balaganoor Police, Raichur, for the offences punishable under sections 288, 125 and 285 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'), pending on the file of Civil Judge and JMFC, Maski, Raichur, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

THM
List No.: 1 Sl No.: 14
CT:RJ