



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201797 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

HANAMANTRAYA S/O. CHANDAPPA KARADDI,
AGE 43 YEARS, OCC. EX-PRESIDENT
CHILD WELFARE COMMITTEE,
R/O NEAR DOKHA SCHOOL, YADGIRI-585 222.

...PETITIONER

(BY SRI S B SANGOLAGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH YADGIRI CITY POLICE STATION,
YADGIRI.
(REPRESENTED BY ADDL H.G.C.P.
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585 107).

2. MAYA S. R. NAIK S/O. NARASAPPA
AGE 29 YEARS, OCC. SOCIAL WORK,
R/O CHIRANJIVI NAGAR, YADGIRI-585 222.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI SHANTABAI PATIL, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC.
528 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND
QUASH THE FIR IN CRIME NO.101/2025 REGISTERED BY

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



YADGIRI CITY POLICE STATION, YADGIRI C.C.NO.1029/2025
PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND CJM AT
YADGIRI FOR THE OFFENCES U/SEC. 352, 351(2) OF BNS 2023
AND SEC. 18(D) OF THE TRANSGENDER PERSONS
(PROTECTION OF RIGHTS) ACT 2019 IN THE INTEREST OF
JUSTICE.

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 Criminal Petition is filed under Section 528 of
Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the
FIR against the petitioner/accused in C.C.No.1029/2025
(arising out of Crime No.101/2025 registered by Yadgiri
City Police Station), for the offences punishable under
Sections 352, 351(2) of Bharatiya Nyaya Sanhita, 2023
[for short, 'the BNS, 2023'] and Section 18(D) of
Transgender Persons (Protection of Rights) Act, 2019,
pending on the file of Senior Civil Judge and CJM at Yadgir.

2. The factual matrix of the case is that,
respondent No.2/complainant is working in NGO. On
28.05.2025 at about 2.30 p.m., in front of Yadgiri District



Court Complex, she met one Manjula N.S. who was working in the Girls Protection Home and she informed respondent No.2 that petitioner has shown her photo and informed her that he knows her and she is a transgender and he has also met her 2 to 3 times and she is raising fund for development of transgender community and utilizing the same for her personal use and also he abused respondent No.2. After receiving such information, respondent No.2 called the petitioner through phone and enquired about the same. At that time, he abused her in filthy language. As such, she lodged the complaint before respondent No.1 – Police which is registered in Crime No.101/2025 dated 10.06.2025. Thereafter, respondent No.1 – Police conducted investigation and laid charge sheet against the petitioner and learned Magistrate took cognizance of the offences. Hence, this petition.

3. Heard learned counsel for the petitioner, learned counsel for respondent No.2-complainant and



learned High Court Government Pleader for respondent No.1-State.

4. It is the contention of the learned counsel for the petitioner that charge sheet offences are non-cognizable in nature, despite the jurisdictional police have entertained the complaint and registered the case without obtaining any permission from the learned Magistrate. Hence, he prays that as per the provisions of Section 155(1) and (2) of Cr.P.C./174(1) and (2) of BNSS, 2023 a permission is required under law to register the case for non-cognizable offences. Accordingly, he prays to allow the petition.

5. *Per contra*, learned counsel for respondent No.2 and learned High Court Government Pleader, opposing the petition, contended that now that the investigation is completed and charge sheet is filed, the proceedings cannot be quashed. Hence, prays to dismiss the petition.



6. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and perused the documents available on record.

7. On careful perusal of the complaint averments and the offences invoked against the petitioner, the same demonstrate that the offences punishable under Sections 352 and 351(2) of BNS, 2023 as well as Section 18(D) of the Transgender Persons (Protection of Rights) Act, 2019 are non-cognizable in nature. Admittedly, before lodging the complaint, the police have not obtained permission from the learned Magistrate as required under the provisions of Section 174(1) and (2) of BNSS, 2023. In such circumstance, the proceedings are liable to be quashed. Accordingly, I proceed to pass the following:

ORDER

- a. The petition is ***allowed***.



b. The proceedings against the petitioner/
accused in C.C.No.1029/2025 (Crime
No.101/2025) registered by Yadgiri City
Police Station, for the offences
punishable under Sections 352, 351(2)
of BNS 2023 and Section 18(D) of the
Transgender Persons (Protection of
Rights) Act, 2019, presently pending on
the file of Senior Civil Judge and CJM at
Yadgiri is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 1 Sl No.: 25
CT-RJ