



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 17TH DAY OF JULY, 2025

**BEFORE
THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

**CRIMINAL PETITION NO.101905 OF 2025
(482 OF Cr.PC/528 OF BNSS)**

BETWEEN:

1. MUSTAFA
S/O. MURTUJSAB MOMIN,
AGE: 27 YEARS,
OCC: BUSINESS,
R/O. JAMAKHANDI,
BAGALKOT-587301.
2. ALISAB
S/O. SHABBIR ALAGUNDI,
AGE: 30 YEARS,
OCC: BUSINESS,
R/O. JAMAKHANDI ,
BAGALKOT- 587301.
3. SULEMAN
S/O. RIYAZAHAMAD GALAGALI,
AGE: 25 YEARS,
OCC: BUSINESS,
R/O. JAMAKHANDI,
BAGALKOT- 587301.



...PETITIONERS

(BY SHRI IFTEKHAR SHAHPURI, ADV. FOR
SHRI ANWARALI D. NADAF, ADVOCATE)



AND:

1. THE STATE BY
JAMAKHANDI RURAL P.S.,
REPRESENTED BY HIGH COURT,
GOVT. PLEADER,
OFFICE AT: DHARWAD HIGH COURT,
DHARWAD-580011.
2. RAMESH MALLAPPA NAVI,
AGE: 42 YRS,
OCC: BARBER,
R/O. JAMAKHANDI,
BAGALKOT-587301.

...RESPONDENTS

(BY SHRI ABHISHEK MALIPATIL, HCGP FOR R1;
NOTICE TO R2 SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (UNDER SECTION 528 OF BNSS), SEEKING TO QUASH THE IMPUGNED COMPLAINT AND FIR REGISTERED AGAINST THE PETITIONERS/ACCUSED NO.1, 2 AND 3 IN CRIME NO.0043 OF 2025 JAMAKHANDI RURAL P.S. FOR THE OFFENCE PUNISHABLE UNDER SECTION 299, 351(2) 3(5) OF BNS AND SECTION 5 OF KARNATAKA PROTECTION OF RIGHT TO FREEDOM OF RELIGION ACT 2022., PENDING ON THE FILE OF ADDL. CIVIL JUDGE (JR.DN) AND JMFC., COURT JAMAKHANDI AND ETC.

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



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE VENKATESH NAIK T)

Heard Sri Iftekhhar Shahpuri learned counsel for Sri Anwarali D. Nadaf learned counsel for the petitioners, Sri Abhishek Malipatil, learned High Court Government Pleader for respondent No.1 – State. Notice to respondent No.2 though served remained absent.

2. This petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short) / Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short) by the Petitioners/accused Nos.1 to 3 seeking to quash the complaint and FIR registered in Crime No.43/2025 of Jamkhandi Rural Police Station, for the offences punishable under Section 299, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS" for short) and Section 5 of Karnataka Protection of Right to Freedom of Religion Act, 2022 ("KPRFR Act" for short), pending on the file of learned Additional Civil Judge (Jr.Dn.) and JMFC Court Jamakhandi.



3. Brief facts of the case of the prosecution are as under:

On 04.05.2025 at 4:30 p.m., when the complainant had visited the Ramatheerth Temple, Jamkhandi, a group of individuals were distributing pamphlets promoting the teaching of Islam and verbally explaining their religious beliefs. The situation escalated into a serious disturbance. Hence, the complainant himself, one Sri Shrishail Apte and other devotees present at the scene approached the individuals to inquire about their activities. In response, they began criticizing Hindu Religion, making derogatory remarks such as *"If you continue to stay as Hindu, you will not be able to find God. There is no God except Allah, and all other gods are Kafir."* They further claimed that their mission was to *"make the whole world turn towards Islam"* and thereby threatened that anyone obstructing their efforts would face severe consequences, stating that *"we will not spare your lives."* Hence, those individuals were offering material incentives, such as vehicles and job opportunities in Dubai, to entice people to convert to Islam. When the de-facto



complainant confronted and asked to identify themselves, they disclosed their names as Mustafa Murtusaheb Momin, Alisaheb Shabir Alagundi and Suleman Riyaz Ahemed Galagali. Hence, he lodged the complaint. Based on the complaint, respondent No.1, police registered a case. This led to registration of FIR and investigation. Taking exception to the same, the petitioners have preferred this petition.

4. Learned counsel for the petitioners contended that merely preaching the teachings of Allah or Prophet Muhammad, in the absence of any allegation that the petitioners attempted to convert any person from one religion to another, the allegations in the impugned FIR fail to satisfy the essential elements of an offence punishable under Section 5 of the KPRFR Act. He further contended that, Section 4 of the KPRFR Act, only specifies persons enumerated therein have the *locus-standi* to lodge a complaint. The 2nd respondent being a third party, does not qualify as a complainant under the Act, rendering the FIR legally unsustainable.



5. Per contra, learned counsel High Court Government Pleader contended that, the allegations in the FIR disclose the commission of the offence under Section 5 of the Act.

6. Perused the material available on record. The complaint was lodged by one Ramesh Mallappa Navi, who is not a competent person to lodge the complaint as enumerated under Section 5 of the Act.

7. Section 3 of the Act prohibits conversion from one religion to another through misrepresentation, force, fraud, undue influence, coercion allurement, or promise of marriage. It states that no person shall convert or attempt to convert directly or otherwise, another person from one religion to another using any of these means, nor shall anyone abet or conspire to facilitate such conversion. Section 4 of the Act specifies who is competent to lodge a complaint, limiting it to the converted person, their parents, and siblings, order relatives by blood, marriage, adoption, or



association. Section 5 of the prescribe punishment for those who contravene Section 3 of the act.

8. In the present case, the complaint was lodged by third party, who does not fall within the category of persons enumerated under Section 4 of the Act. Therefore, registration of FIR by 2nd respondent, who lacks *locus-standi*, is legally invalid.

9. Even if the allegations in the FIR are accepted at its face value, it fail to satisfy the essential elements of an offence under Section 3 of the Act. There is no allegation that the petitioners converted or attempted to convert any person to another religion. The absence of these essential elements renders the allegations insufficient to constitute an offence under the Act. Consequently, the registration of the FIR, culminating in the filing of the charge sheet, is vitiated. Hence, this Court proceed to pass the following.

ORDER

- (i) The criminal petitioner is hereby ***allowed***.



- (ii) The impugned FIR in Crime No.0043/2025 of Jamakhandi Rural Police Station registered for the offences punishable under Sections 299, 351(2) and 3(5) of BNS and Section 5 of KPRFR Act on the file of learned Additional Civil Judge and JMFC Court, Jamakhandi, Bagalakote District, is hereby quashed.

In view of disposal of the criminal petition, pending applications, if any, do not survive for consideration and the same are accordingly disposed off.

Sd/-
(VENKATESH NAIK T)
JUDGE

EM /CT-AN
List No.: 2 SI No.: 27