



CNR: KAHC010152202020

NC: 2026:KHC:54421
CRL.P No. 6754 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.6754 OF 2020

BETWEEN:

1. MOHAMMED TUFAIL K.,
S/O MOHAMMED K,
AGED ABOUT 26 YEARS,
R/AT KOILA VILLAGE AND POST,
PUTTUR TALUK,
DAKSHINA KANNADA
KARNATAKA-574 211.
2. THAPSEER,
S/O MAIDUKATTI,
AGED ABOUT 26 YEARS,
R/AT KARIMGANA VILLAGE AND POST,
KALLADKA, BANTWAL TALUK,
DAKSHINA KANNADA-574 237.
3. MOHAMMED IQBAL,
S/O LATE ADAM KUNYA,
AGED ABOUT 26 YEARS,
R/AT NO.153,
KUNYAGUDDA HOUSE,
BELLARAE VILLAGE,
SULYA TALUK,
DAKSHINA KANNADA-574212.
4. ATHAULLA,
S/O HASSAN,
AGED ABOUT 22 YEARS,
R/AT NO.688,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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PUNJALA KATTAE HOUSE,
KUKKALA VILLAGE,
BELTANGDI TALUK,
DAKSHINA KANNADA-574 214.

5. ABU TAHIR,
S/O AHAMED,
AGED ABOUT 25 YEARS,
R/AT GANDADA KOTE,
KUSHALNAGAR,
KODAGU DISTRICT-571234.
6. MOHAMMED WASIM,
S/O SANAULLA,
AGED ABOUT 30 YEARS,
R/AT NO.17/2,
GANGAPPA BLOCK,
GANGANAGAR,
R.T.NAGAR, 5TH MAIN
BENGALURU-560032.
7. MOHAMMED RASHEED T.B.,
S/O ABBAS T.B.,
AGED ABOUT 24 YEARS,
GUNADTASAMPAGE TOWN,
SULYA TALUK,
DAKSHINA KANNADA-574212.
8. ABDUL HAFEEZ,
S/O TIPPU SULTAN H,
AGED ABOUT 22 YEARS,
NO.16/1, 1ST CROSS,
1ST STAGE, AFZAL LAYOUT,
SYED MOSQUE ROAD,
ASHWATNAGAR,
TANISANDRA MAIN ROAD,
BENGALURU-560045.
9. TOUSIFAHMED,
S/O SHABBIR AHMED,



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AGED ABOUT 22 YEARS,
NO.2, ASHWATNAGAR,
TANISANDRA MAIN ROAD,
BENGALURU-560045.

10. MOHAMMED SINAN,
S/O HUSSAINKUNYA,
AGED ABOUT 21 YEARS,
PADEHOUSE, HEERA TOWN,
BANTWALTALUK,
DAKSHINA KANNADA DISTRICT-574211.
11. MOHAMMED FARHAN,
S/O HAROON RASHEED,
AGED ABOUT 21 YEARS,
MANCHE TOWN, BANTWAL TALUK,
DAKSHINA KANNADA-574219.
12. TAJ KHAN,
S/O KALEEL KHAN,
AGED ABOUT 26 YEARS,
NO.63/7, 1ST CROSS,
BYRASANDRA, JAYANAGAR,
BENGALURU-560041.
13. MANSOOR PASHA,
S/O B.S.ANWAR PASHA,
AGED ABOUT 24 YEARS,
NO.11, 8TH CROSS,
SOMESHWARANAGAR,
JAYANAGAR 1ST BLOCK,
BENGALURU-560041.
14. ABDUL SADIQ,
S/O ABDUL SAMAD,
AGED ABOUT 28 YEARS,
NO.27, 6TH CROSS,
SOMESHWARNAGAR,
JAYANAGAR 1ST BLOCK,
BENGALURU-560041.



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15. AMANULLA,
S/O ANWAR,
AGED ABOUT 29 YEARS,
PORCHOMIYA HOUSE,
OPP. RELIANCE PETROL BUNK,
HOSKOTE,
BENGALURU RURAL DISTRICT-562114.

...PETITIONERS

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

1. STATE BY CUBBON PARK POLICE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX BUILDING,
BENGALURU-560001.
2. BALAKRISHNA C.,
POLICE OFFICER/INSPECTOR,
CUBBON PARK POLICE STATION,
BENGALURU-560001.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
R2 - SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH THE ANNEXUE-C CHARGE SHEET AS DATED 20.07.2016 WHICH IS REGISTERED IN C.C.NO.26971/2016 ARISING OUT OF CR.NO.33/2016 PENDING ON THE FILES OF THE VIII A.C.M.M., AT BENGALURU AND THIS PETITIONERS IS ARRAYED AS ACCUSED NO.1 TO 15 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 283, 341, 143 AND 144 R/W SECTION 149 OF IPC.

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



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CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for respondent No.1/State.

2. This petition is filed praying this Court to quash the charge-sheet (Annexure-C) in C.C.No.26971/2016, arising out of Crime No.33/2016, pending on the file of the VIII Additional Chief Metropolitan Magistrate at Bengaluru, in respect of these petitioners/accused Nos.1 to 15 are concerned, for the offences punishable under Sections 283, 341, 143, 144 read with 149 of IPC.

3. The factual matrix of the prosecution case is that accused Nos.1 to 15, i.e., the petitioners herein, in connection with the death of Rohith Remula, a student of Hyderabad, assembled on 10.02.2016 at about 11:30 a.m. within the jurisdiction of Cubbon Park Police Station, in front of Capital Hotel, towards Raj Bhavan Road. It is alleged that, without obtaining prior permission, they gathered along with 100 to



150 students, raised slogans and displayed flags, thereby causing obstruction to the movement of traffic. Consequently, with the assistance of CW1 and CW8 to CW15, the petitioners were taken into custody, a report was lodged, and they were arrested and subsequently released.

4. The learned counsel for the petitioners would submit that invoking of the offences against the petitioners does not arise. The learned counsel would contend that the offence punishable under Section 283 of IPC is punishable with a fine of only Rs.200/-, whereas the offence under Section 341 of the IPC is punishable with imprisonment for a term which may extend to one month, or with fine which may extend to Rs.500/-, or with both. The learned counsel would submit that the Apex Court in its judgment in the case of **CHARAN SINGH AND OTHERS v. STATE OF UP** reported in (2004) 4 SCC 205, has observed with regard to Sections 141 and 149 of IPC. Where common object of an unlawful assembly is not proved, the accused persons cannot be convicted with the help of Section 149 of IPC. The learned counsel also brought to the notice of this Court the judgment passed by this Court in a



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similar set of facts and circumstances in Crl.P.No.3916/2018, wherein this Court took note of the judgment referred above and quashed the case. The learned counsel would submit that as per the Licensing and Controlling of Assemblies and Public Processions (Bangalore City) Order 2009, the permission is required in Bangalore City if the congregation of more than 250 persons assembling at one place with an intention to conduct the meeting or protest, to hear a public speech including political, social, religious and cultural meetings to which the public have got free access. The said condition specially says that permission is required only when more than 250 persons assemble at one place with an intention of conducting meeting or protest. The learned counsel would contend referring to the fact that this Court relied upon the said Order and comes to the conclusion that in the said case, 50 persons have assembled at a particular place, then under such circumstance, it cannot be held as an unlawful assembly. Mere presence of a person in an unlawful assembly cannot render a person liable unless there was a common object and he was actuated by that common object and that object is one of those set out in Section 141 of



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IPC. This proposition of law has been laid down by the Apex Court in the case of **Charan Singh** (supra) at paragraph No.13. Having considered the same, this Court allowed the petition and quashed the proceedings. The present case on hand is also similar to the said case. The only allegation against accused Nos.1 to 15 is that they were proceeding to Raj Bhavan to give a representation.

5. Per contra, the learned High Court Government Pleader appearing for respondent No.1/State would submit that in the charge-sheet, statements of the witnesses were recorded and CW4, CW5 and CW6 are the eye-witnesses and CW7 to CW11 arrested the petitioners and brought them to the police station and hence, the matter requires trial.

6. Having heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for respondent No.1/State and considering the Licensing and Controlling of Assemblies and Public Processions (Bangalore City) Order 2009, if it is assembly of more than 250 persons, it requires permission. In the charge-sheet, nowhere it is stated that which provision they have violated, except invoking of



Sections 283 and 341 and other offences of unlawful assembly. It is rightly pointed out by the learned counsel for the petitioners that the offence punishable under Section 283 of IPC is punishable with a fine of only Rs.200/-, whereas the offence under Section 341 of the IPC is punishable with imprisonment for a term which may extend to one month, or with fine which may extend to Rs.500/-, or with both. This Court, in the judgment relied upon by the learned counsel for the petitioners, while considering a similar set of facts and circumstances, took note of the proviso contained in the Licensing and Controlling of Assemblies and Public Processions (Bangalore City) Order, 2009. The permission is required in Bangalore City if the congregation of more than 250 persons assembling at one place with an intention to conduct the meeting, protest, to hear a public speech including political, social, religious and cultural meetings to which the public have got free access. The allegation made against these petitioners is that they obstructed the free movement of traffic and hence, they were arrested. The charge-sheet is filed only against these petitioners/accused Nos.1 to 15. It is stated in the charge-



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sheet that brought more than 100 to 150 students, but they are not made as accused. In view of the aforesaid proviso, and having regard to the fact that this Court has already considered a similar set of facts and circumstances, this Court is of the considered view that it is a fit case to exercise the power under Section 482 of Cr.P.C.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. The proceedings initiated against the petitioners in C.C.No.26971/2016 is hereby quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

MD
List No.: 1 Sl No.: 11