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Karnataka HC

Case No: Criminal Petition No. 14742 OF 2025

Leeladhar	APPELLANT
Vs	
State Of Karnataka & Ors	RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Indian Penal Code, 1860 — Section 143, 147, 148, 149, 427, 435

Hon'ble Judges: Mohammad Nawaz, J

Bench: Single Bench

Advocate: Balakrishna M.R, Rahul Rai K

Final Decision: Allowed

Judgement

Mohammad Nawaz, J

1. Petitioner has preferred this petition seeking to quash the entire criminal proceedings pending against him in C.C.No.361/2025 (LPC.No.10/2017) on the file of the Court of Senior Civil Judge, JMFC, Moodabidri.

2. Quashing of the proceedings is sought on the ground that similarly placed all other accused are acquitted by the trial Court due to lack of evidence. Copy of the judgment passed in Sessions Case No.8/2001 dated 01.12.2001 is produced as document No.5.

3. It is the case of prosecution that on the night of 31.12.1998 at about 07:30 p.m., a mob consisting of more than 100 persons, armed with dangerous weapons, came near the shop of the complainant, set fire to his shop and robbed the articles, resulting in loss to him to the tune of Rs.3.5 lakhs.

4. It is submitted by the learned counsel for the petitioner that since the petitioner was not aware of the criminal case registered against him and as there was no summons received by him, he did not appear before the trial Court and now he has been arrested under warrant and detained in prison since 08.09.2025.

5. FIR was registered in Crime No.6/1999 at Mulki Police Station on 02.01.1999 against unknown persons, for the offence punishable under Section 143, 147, 148, 435, 427 read with Section 149 of IPC. Charge sheet came to be filed against 42 accused, wherein, the petitioner is arraigned as accused No.39. It is not in dispute that the trial conducted against 40 accused has been ended in acquittal. I have perused the judgment

passed by the Sessions Court in S.C.No.8/2001 and the evidence of the complainant examined as P.W.1. He has categorically stated that at the time of incident there were 400-500 persons and he has not seen the person who has set fire to his shop. The Sessions Court has taken into consideration the evidence of the relevant witnesses namely PW.1 to PW.5 and after assigning reasons, has acquitted the accused who faced trial.

6. In 'Javed Shaukat Ali Qureshi V/s. State of Gujarat' reported in 2023 INSC 829, the Hon'ble Apex Court has held at Paragraph No.15 as under:

"When there is similar or identical evidence of eyewitnesses against two accused by ascribing them the same or similar role, the Court cannot convict one accused and acquit the other. In such a case, the cases of both the accused will be governed by the principle of parity. This principle means that the Criminal Court should decide like cases alike, and in such cases, the Court cannot make a distinction between the two accused, which will amount to discrimination."

7. The evidence against the accused who faced trial and the petitioner herein, who is arraigned as accused No.39 in the charge sheet, is one and the same. There cannot be any other evidence or materials which can be brought before the Court against the petitioner. The complainant has categorically stated that there were about 400 to 500 persons at the time of incident and he has not identified the person who has set fire to his shop etc. Hence, no purpose will be achieved in continuing the proceedings now pending against the petitioner. Continuation of the same is an abuse of process of law. Hence, the following:

ORDER

i) Petition is ***allowed***.

ii) Entire proceedings held in **C.C.NO.361/2025** (LPC.No.10/2017) on the file of the Court of Senior Civil Judge and JMFC at Moodabidri, is ***quashed***.

iii) Petitioner if in custody shall be released forthwith, if not required in any other case.

iv) I.A.No.1/2025 is disposed of.