



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

CRIMINAL PETITION NO. 1690 OF 2023

BETWEEN:

ZAKI @ ZAKIR HUSSAIN
S/O ABDUL HAMEED,
AGED ABOUT 35 YEARS,
R/O KUNDALA HOUSE,
KANNUR VILLAGE,
MANGALURU TALUK- 575 007.

...PETITIONER

(BY SRI. PARAMESHWAR N HEGDE., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MANGALURU RURAL POLICE
MANGALURU CITY
REPRESENTED BY ITS SPP
HIGH COURT OF KARNATAKA
BANGALORE- 01

2. UMMAR FAROOQ
S/O B.HASANABBA,
AGED ABOUT 41 YEARS,
KANNURU BORUGUDDE HOUSE,
KANNURU VILLAGE,
MANGALURU CITY- 575 007.

...RESPONDENTS

(BY SRI. VINAY MAHADEVAIAH., HCGP FOR R1;
V/O DTD 19.08.2025 SERVICE TO R2 IS H/S)





THIS CRL.PETITION IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.160/2021 ARISING OUT OF CR.NO.65/2012 , MANGALORE POLICE STATION RURAL FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 143, 147, 148, 341, 302, 109, 120(B) READ WITH SECTION 149 OF IPC, PENIDNG ON THE FILE OF IST ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANGALURU AND ETC.,

THIS PETITION, COMING ON FOR ADMISSION THROUGH VIDEO CONFERENCING / PHYSICAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

The Criminal Petition is filed with the following prayer:

"Quash the entire proceedings in SC No.160/2021 arrised out of Crime No.65/2012, Mangalore Police Station Rural registered for the offences punishable under Sections 143, 147, 148, 341, 302, 109, 120(B) read with Section 149 of IPC pending trial on the file of 1st Additional District and Sessions Judge, Mangaluru."



2. One Putha alias Abdul Rehaman was murdered on 13.03.2012. Nineteen(19) persons are accused of committing the said murder. Accused Nos.1 to 6 have been accused of physical commission of the offence and the other accused have been accused of abetting or conspiring for commission of the said offence. The petitioner herein is accused No.7 and he is accused of conspiring with other accused to murder Putha alias Abdul Rehaman and in the charge sheet, the following allegation is made against the petitioner:

"ಅಲ್ಲದೇ ಇತರ ಆರೋಪಿಗಳಾದ ಆರೋಪಿ 7 ರಿಂದ 19 ನೇಯವರು ಈ ಕೃತ್ಯದ ಕುರಿತು ದುಷ್ಟೇರಣೆಯಿಂದ ಒಳಸಂಚು ಮಾಡಿ ಕಾನ್ಸ್ಪರೇಸಿ ರೂಪದಲ್ಲಿ ಕೃತ್ಯಕ್ಕೆ ನೇರವಾಗಿ ಮತ್ತು ಪರೋಕ್ಷವಾಗಿ ಭಾಗಿಯಾಗಿ ಕಲಂ 120(ಬಿ) ಪ್ರಕಾರ ಆರೋಪ ಎಸಗಿದ್ದಲ್ಲದೇ, ಮೇಲ್ಕಂಡ ಇತರ ಆರೋಪಗಳನ್ನು ಎಸಗಿದ್ದಾಗಿ ಸಲ್ಲಿಸಿದ ದೋಷಾರೋಪಣ ಪತ್ರ ಇದಾಗಿದೆ."

3. After investigation, S.C.No.63/2016 has been filed before the 1st Additional District and Sessions Judge, Dakshinakannada, Mangalore against all the accused. As some of the accused were absconding, the charge was split up and it resulted in several sessions cases being



initiated and S.C.No.160/2021 was initiated only in respect of the petitioner herein.

4. In S.C.No.63/2016 and S.C.No.79/2018, accused Nos.1, 5 and 6 along with few other accused have been acquitted. In S.C.No.29/2019 and S.C.No.72/2019 accused No.2 along with few other accused have been acquitted. Accused Nos.3 and 4 are said to be absconding. In S.C.No.63/2016, S.C.No.79/2018, S.C.No.29/2019 and S.C.No.72/2019, the same witnesses have been examined and they have been asked questions regarding the criminal conspiracy in which the present petitioner has been alleged to have taken part for murdering Putha alias Abdul Rehaman. All the witnesses have turned hostile and no evidence has been let in regarding the petitioner taking part in the criminal conspiracy. In fact, accused Nos.1, 2, 5 and 6, who have been alleged to have committed the offence by doing the necessary overt acts have themselves been acquitted. The trial against accused Nos.3 and 4 has not been concluded because they are still absconding.



5. The case of the petitioner is that the only allegation made against him by the prosecution is that he was part of the conspiracy to commit the murder of Putha alias Abdul Rehaman. There are no overt act alleged against him. It is submitted that all the prosecution witnesses in the aforementioned criminal cases who have been examined for proving the criminal conspiracy have turned hostile and have not spoken anything inimical to the interest of the petitioner herein. It is also submitted that the prosecution has miserably failed to prove the commission of the offence of murder against accused Nos.1, 2, 5 and 6, who are alleged to have committed the necessary overt act of killing Putha alias Abdul Rehaman. It is submitted that the prosecution does not have any other witness to prove the murder of Putha alias Abdul Rehaman, more so the criminal conspiracy against the petitioner herein.

6. For the aforementioned reasons, it is prayed that continuing with the trial of the petitioner in



S.C.No.160/2021, pending on the file of the 1st Additional District and Sessions Judge, Mangaluru, will not serve any purpose and the petitioner will only be put to unnecessary hardship. On the said grounds, it is prayed that the proceedings initiated against the petitioner in S.C.No.160/2021 be set aside.

7. The learned High Court Government Pleader is not in a position to contravene the aforementioned submission of the petitioner. He admits that all the necessary witnesses examined by the prosecution in S.C.Nos.63/2016, 79/2018, 29/2019 and S.C.No.72/2019 regarding the involvement of the petitioner herein in the criminal conspiracy to murder Putha alias Abdul Rehaman, have not supported the case of the prosecution. He also admits that the prosecution does not have any other additional witnesses to be examined in S.C.No.160/2021, which is pending against the petitioner.

8. As all the witnesses of the prosecution have not supported the case of the prosecution against the



petitioner and in the light of acquittal of accused Nos.1, 2, 5 and 6 as aforementioned, no purpose will be served in continuing with the prosecution against the petitioner herein in S.C.No.160/2021, pending on the file of the 1st Additional District and Sessions Judge, Mangaluru.

9. For the aforementioned reasons, the Criminal Petition is hereby ***allowed*** and the proceedings in S.C.No.160/2021 arising out of Crime No.65/2012 registered for the offences punishable under Sections 143, 147, 148, 341, 302, 109, 120(B) read with Section 149 of the IPC, pending on the file of the 1st Additional District and Sessions Judge, Mangaluru against the petitioner herein stands quashed.

**SD/-
(M.I.ARUN)
JUDGE**

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List No.: 1 Sl No.: 18