



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 12TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 200201 OF 2026
(482(Cr.PC)/528(BNSS))**

BETWEEN:

BHIMSINGH

[REDACTED]

...PETITIONER

(BY SRI BASAVARAJ C. JAKA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH CHITTAPUR POLICE STATION,
TQ: CHITTAPUR, DIST: KALABURAGI-585211,
NOW REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585107.

2. SHRI MALLAPPA [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...RESPONDENTS

(BY SRI. JAMADAR SHAHABUDDIN, HCGP FOR R1)





THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), BY THE ADVOCATE FOR THE PETITIONER PRAYING TO ALLOW THIS PETITION AND BE PLEASED TO QUASH THE PROCEEDINGS IN CC NO.1307/2022 PENDING ON THE FILE OF CIVIL JUDGE AND JMFC AT CHITTAPUR, KALABURAGI DISTRICT, ARISING OUT OF CASE REGISTERED IN CRIME NO.81/2021 BY THE RESPONDENT CHITTAPUR POLICE, KALABURAGI DISTRICT, AGAINST THE PETITIONER FOR THE OFFENCES PUNISHABLE U/SEC.2 OF PREVENTION OF INSULTS TO NATIONAL HONOUR ACT 1971, TO SECURE THE ENDS OF JUSTICE AND TO PREVENT ABUSE OF PROCESS OF THE COURT.

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 proceedings against the petitioner/accused No.1 in C.C.No.1307/2022 arising out of Crime No.81/2021 registered by Chittapur Police Station, Kalaburagi, for the offences punishable under Section 2 of Prevention of Insult to National Honours Act, 1971 [for short, 'the Act, 1971]



presently pending on the file of the Civil Judge & JMFC, Chittapur.

2. The factual matrix of the case is that respondent No.2/complainant - Panchayat Development Officer (for short, 'PDO') of Alloli village, Chittapur Taluk, lodged a complaint before the respondent No.1-Police on 16.08.2021 alleging that, the petitioner/accused No.1 being the Second Division Assistant (SDA) in the Gram Panchayat of Alloli, was in-charge for Flag hoisting on the Independence Day i.e. on 15.08.2021 at Gram Panchayat, Alloli village. He arranged Flag hosting ceremony at 08:00 a.m. in the presence of Adhyakshya of Gram Panchayat and also in the presence of villagers. Due to his negligence, the National Flag has been hoisted upside down erroneously. The said aspect was come to the knowledge of respondent No.2 on the next day. Accordingly, he lodged the complaint before the respondent No.1-Police on 16.08.2021. The same was registered in Crime No.81/2021 as stated supra.



Subsequently, respondent No.1-Police investigated the case and laid the chargesheet against the petitioner and another. The learned Magistrate took cognizance of the offence. Being aggrieved by the same, the petitioner is before this Court to quash the proceedings.

3. Heard learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1-State.

4. Apart from urging several contentions, learned counsel for the petitioner primarily contented that, the incident of displaying of the National Flag erroneously was absolutely without any intention to insult the National Flag. According to him, the complaint averment discloses that by an oversight and by mistakenly and negligently, the Flag was hoisted erroneously i.e. in a reverse position. He further contended that the petitioner is a government employee having utmost respect to the National Flag. The act committed by petitioner does not attract the provision



of Section 2 of the Act, 1971. Accordingly, prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader opposed the prayer on the ground that the respondent No.1-Police investigated the case and laid charge sheet against the petitioner. During the course of investigation, it is revealed that the petitioner being the government servant, negligently displayed the National Flag erroneously and thereby insulted and sanctity of National Flag. Accordingly, prays to dismiss the petition.

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

7. As could be gathered from records, the contents of the complaint reveals that, the petitioner was deputed as Officer for the Flag hoisting ceremony on 15.08.2021. However, he negligently without taking any such proper



precautions, displayed the Flag upside down and same was unfurled erroneously.

8. Further, on careful scrutiny of the charge sheet materials, all the witnesses have stated that the said incident was caused only due to the negligent act of the petitioner and the same was not with an intention or with an ulterior motive to insult the National Flag.

9. In similar situation, the Hon'ble High Court of Madhya Pradesh in its judgment in the case of **Anand Tiwari vs. State of M.P.** held that, no person of common prudence, particularly someone whose personal interests are not affected at all by such lapse, would believe that a Officer would intentionally unfurl the National Flag in a reverse position intentionally and thus would land himself in trouble. Further, the Courts consistently declined to hold persons in authority/celebrities responsible for unintentional lapses with regard to national honour.



10. As discussed *supra*, on perusal of the charge-sheet averments it is forthcoming that the act of the petitioner-accused was unintentional and it is only by mistake. In such circumstances, the provision under Section 2 of the Act, 1971, does not attract against the petitioner. Since, the petitioner neither offered indignity to the National Flag nor intentionally displayed the National Flag with Saffron side down.

11. In such circumstances, the continuation of proceedings against the petitioner-accused No.1 is nothing but abuse of the process of Court.

12. Accordingly, the petition is ***allowed.***

13. The proceedings against petitioner/accused No.1 in C.C.No.1307/2022 arising out of Crime No.81/2021 registered by Chittapur Police Station, Kalaburagi, for the offences punishable under Section 2 of Prevention of Insult to National Honours Act, 1971



NC: 2026:KHC-K:1400
CRL.P No. 200201 of 2026

presently pending on the file of the Civil Judge & JMFC,
Chittapur, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SDU
LIST NO.: 2 SL NO.: 5
CT-BH