

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION No. 4834 OF 2021

BETWEEN

1. Rev. Elish Kumar,
S/o Shantharaju,
Aged about 47 years,
Presbyter in charge,
CSI Wesly Cathedral,
Wesly Church, B.N.Road,
Mysuru-570001.
2. Gilbert Devaprasad,
S/o Suputhra,
Aged about 58 years,
No.937, Kesare 3rd Stage,
Kalparushanagar,
Mysuru-570001.

...Petitioners

(By Sri Sailesh S. Katarey, Advocate)

AND

1. State of Karnataka
Law & order,
Vidhana Soudha, by its
Addl. Chief Secretary,
Bengaluru-560001.
2. Station House Officer,
N.R.Police Station,

N.R.Mohalla,
Mysuru-570001
Represented by
State Public Prosecutor,
High Court of Karnataka,
Bengaluru-560001.

...Respondents

(By Sri R.D.Renukaradhya, HCGP)

This Criminal Petition is filed under Section 482 Cr.P.C., praying to quash the proceedings in Cr.No.83/2021 pending before the III Additional Chief Civil Judge (Jr.Dn) and JMFC, Mysuru.

This Criminal Petition coming on for admission, this day, through video conferencing, the Court made the following:

ORDER

Heard the petitioners' counsel. The petitioners have sought quashing of the FIR in Cr.No.83/2021 registered by the N.R.Police Station, N.R.Mohalla, Mysuru for the offences punishable under Section 188 of ICP, Section 4(2)(e), 5(4) of Karnataka Epidemic Diseases Act, 2020 and Section 51 of the Disaster Management Act.

2. The facts are that Rev. William Sujay Kumar, who was the Assistant Presbyterian of Wesley Church, Mysuru died on 30.04.2021. He tested negative for RT-PCR test, but the dead body was handed over to corporation authorities for conducting funeral. A small ritual was conducted in front of CSI Yesu Krupalaya Church before taking the body for funeral purpose and at that time petitioner no.1 was the officiating priest who performed the rituals assisted by petitioner no.2. The police having come to know about the ritual going on in front of the Church and in view of the prohibitory orders to prevent containing the spread of infectious COVID-19, went to that place and saw the gathering of 25-30 persons and therefore registered the FIR against the petitioners.

3. Though the learned counsel for the petitioners argues that there was no gathering, that the deceased tested negative for COVID-19 and that actually all the

rituals were conducted in the presence of corporation officials, his argument cannot be accepted because the prohibitory orders issued by the Government appears to have been violated. The photograph produced by the petitioners show that there was a large gathering of people at that time. In view of this, I do not think that a false FIR has been registered. The matter requires investigation. In this view I do not find good ground to admit this petition. It is dismissed.

**Sd/-
JUDGE**

sd