



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 4535 OF 2026

BETWEEN:

ONUOHA AGHA
S/O AGHA
AGED ABOUT 42 YEARS
NIGERIAN NATIONAL
PASSPORT NUMBER - A12340512
VALID TILL - 19TH MAY 2027
DETAINED AT,
FOREIGNERS RESTRICTION CENTER
SONDEKOPPA, NELAMANGALA TALUK
BENGALURU - 562 123.

...PETITIONER

(BY SRI SOMANNA K. P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CYBER CRIME P.S
REPRESENTED BY SPP OFFICE
HIGH COURT BUILDING
BENGALURU - 560 001.
2. DEPUTY SUPERINTENDENT POLICE
CYBER CRIME POLICE STATION
C.I.D HEAD QUARTERS
NO.1 CARLTON HOUSE
PALACE ROAD, BENGALURU - 560 001.





3. FOREIGNERS REGIONAL REGISTRATION OFFICER
5TH FLOOR, 'A' BLOCK
BMTc BUS STAND BUILDING
SHANTHI NAGAR, K.H.ROAD
BENGALURU – 560 027.

...RESPONDENTS

(BY SMT. B.PUSHPALATHA, ADDL. SPP FOR R1 AND R2
SRI SHANTHI BHUSHAN H., DSGI FOR R3)

THE CRL.P IS FILED U/S 482 OF THE CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.2783/2016 PURSUANT TO CHARGE SHEET DATED 18.01.2016, ARISING OUT OF CR.NO.10/2015 DATED 01.07.2015 REGISTERED BY THE CYBER P.S. CID HEADQUARTERS, BENGALURU FOR THE OFFENCE P/U/S 66(d), INFORMATION TECHNOLOGY, ACT 2008 AND 420, 465, 466, 468, 474 R/W 34 OF IPC AND SEC.14 OF THE FOREIGNERS ACT 1946 IN SO FAR AS THE PETITIONER IS CONCERNED, PENDING ON THE FILE OF THE I ADDL.C.J.M BENGALURU.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Petitioner – accused No.4, a Nigerian national, is before this Court calling in question proceedings in C.C.No.2783/2016 (arising out of Crime No.10/2015), pending before the I Additional Chief Judicial Magistrate, Bengaluru, for the offences under Sections 420, 465, 466, 468, 474 r/w. 34 of the IPC, Section 14 of the Foreigners Act, 1946 and Section 66(d) of the



Information Technology Act, 2008. More particularly, the petitioner, who is being placed in the detention centre for the last 2 years, seeks a direction to the respondents to deport him back to his country – Nigeria.

2. Heard Sri Somanna K.P., learned counsel for petitioner, Smt. B. Pushpalatha, learned Additional State Public Prosecutor for respondent Nos.1 and 2 and Sri Shanthi Bhushan H., learned Deputy Solicitor General of India for respondent No.3.

3. The learned counsel appearing for the petitioner submits that the respondents may be directed to release the petitioner to enable the petitioner to catch the next flight back to Nigeria. The petitioner had also undertaken that he would go back to Nigeria before the coordinate bench, which was considering a petition in W.P.No.21173/2024, preferred by the very same petitioner and the undertaking is also recorded in terms of the order dated 17.11.2025. The undertaking is as follows:

“Learned counsel for the petitioner submits that he will file undertaking on affidavit of the



petitioner stating therein that on his release from the detention centre, he will immediately leave this country and go back to his country.

Sri Madhukar M. Deshpande, learned counsel appearing for the Union of India submits that if the petitioner undertakes to leave this country immediately on his release from the detention centre, the Central Government will close the pending cases against him and allow him to go back from this country.

Post this petition on 04.12.2025.”

4. Sri Shanthi Bhushan H., learned Deputy Solicitor General of India appearing for respondent No.3 submits that the petitioner will be deported to his country only if this Court would direct the respondents and the petitioner has to bear the costs.

5. In the light of the undertaking as afore-quoted, the only direction that can be granted to the petitioner is that, he shall forthwith leave the shores of this nation. Respondent No.3 – the Foreigners Regional Registration Officer shall take immediate steps to deport the petitioner out of the shores of



this nation at his own costs, in terms of the Standard Operating Procedure, on respondent Nos.1 and 2 - the State withdrawing the prosecution, that is initiated against him, as they are all the ones punishable with imprisonment for less than 7 years.

6. For the aforesaid reasons, the following:

ORDER

- a. The criminal petition stands disposed.
- b. Respondent Nos.1 and 2 - State shall withdraw the prosecution in C.C.No.2783/2016 (arising out of Crime No.10/2015), pending before the I Additional Chief Judicial Magistrate, Bengaluru, against the petitioner only and communicate such withdrawal to respondent No.3 - the Foreigners Regional Registration Officer, within a period of one week from the date of receipt of a copy of this order.
- c. The petitioner shall obtain emergency travel documents from the Consulate of Nigeria and place it before respondent No.3, forthwith, to enable the petitioner to move out of the shores of this nation.



d. Once the withdrawal of the proceedings / crime is communicated to respondent No.3 – the Foreigners Regional Registration Officer, respondent No.3 shall take steps immediately to deport the petitioner out of the shores of this nation in terms of his undertaking, without brooking any delay, at the costs of the petitioner.

Ordered accordingly.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

NVJ
List No.: 2 SI No.: 40