



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 1686 OF 2019

BETWEEN:

MR. VINOD RAJ @ RAJU
S/O BHASKARA SHETTY,
AGED 28 YEARS,
RESIDING AT S.N.NAGARA,
SAGARA TOWN,
SHIVAMOGGA-577 201

...PETITIONER

(BY SMT. SAMEEKSHA T.R., ADVOCATE FOR
SMT. GAYATHRI BHAT H., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH THE POLICE SUB INSPECTOR,
SAGAR TOWN POLICE STATION,
SAGAR, SHIVAMOGGA DISTRICT-
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU-560 001
(SINCE THE FIRST INFORMANT HIMSELF
IS THE A.S.I. OF SAGAR TOWN P.S.,
HE IS NOT SEPARATELY ARRAYED AS
ADDITIONAL RESPONDENT)

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HIGH COURT GOVERNMENT PLEADER)

THIS CRL.P IS FILED UNDER SECTION 482 OF THE CODE OF
CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE CRIMINAL
CASE IN C.C.NO.785/2018 ON THE FILE OF THE PRINCIPAL CIVIL

Digitally
signed by
HEMALATHA
J
Location:
HIGH COURT
OF
KARNATAKA



JUDGE AND JMFC, SAGAR (ARISING OUT OF CR.NO.356/2018 OF SAGAR TOWN POLICE STATION) FOR THE OFFENCE PUNISHABLE UNDER SECTION 78(3) OF THE KARNATAKA POLICE ACT AS FAR AS THE PETITIONER IS CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has called in question the proceedings initiated against him in C.C No.785/2018 on the file of the Principal Civil Judge and JMFC, Sagar, arising out of Crime No.356/2018 of Sagar Town Police Station for offence punishable under Section 78(3) of the Karnataka Police Act, 1963 (hereinafter referred to as 'K.P Act').

2. The petitioner claims that on the basis of *suo motu* information furnished by the Sub Inspector of Police, Sagar Town Police Station on 17.10.2018, a case in Crime No.356/2018 was registered for the offence punishable under Section 78(3) of the K.P Act. It is alleged that the police got information that some persons were playing matka and the police after obtaining permission from the Magistrate raided a



place near Avinahalli Road, opposite to Rashmi Canteen, Sagar Town and apprehended the accused from whom a sum of Rs.1,150/- was seized. On enquiry, he revealed that the said amount was to be paid to the petitioner herein who was arrayed as accused No.2. Thereafter, the police filed the charge sheet for offence punishable under Section 78(3) of the K.P Act, which was pending trial in C.C No.785/2018.

3. Learned counsel for the petitioner contends that the offence alleged against the petitioner is non-cognizable and therefore it was incumbent upon the respondent to comply with the procedure prescribed under Section 155(2) of Cr.P.C. She contends that since the said procedure is not followed, the entire prosecution initiated against the petitioner is vitiated.

4. The learned High Court Government Pleader for respondent submitted that the charge sheet filed against the petitioner may be set at nought and liberty be reserved to the respondent to initiate proceedings in accordance with law.

5. When the offences alleged against the petitioner was punishable under Section 78(3) of the K.P Act which is



non-cognizable in nature, the registration of Crime No.356/2018 by the police without following the due process as contemplated under Section 155(2) of Cr.P.C is wholly illegal and vitiates the entire prosecution. Therefore, the prosecution launched against the petitioner has no legs to stand and consequently deserves to be quashed.

6. Accordingly, this petition is ***allowed***. The prosecution of the petitioner in C.C No.785/2018 on the file of the Principal Civil Judge and JMFC Sagar, arising out of Crime No.356/2018 of Sagar Town Police Station for offence punishable under Section 78(3) of the K.P. Act in so far as the petitioner is concerned, is quashed.

Sd/-
(R. NATARAJ)
JUDGE