



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. 2071 OF 2019

BETWEEN:

1. SRI. D. SUDHAKAR SHETTY
AGED ABOUT 48 YEARS,
S/O DASU SHETTY
NO.2-66, SHEELADAS,
MUGRODY
PADAVINANGADY
MANGALORE-575008
2. VARUN K BHASKAR
AGED ABOUT 23 YEARS,
S/O LATE BHASKAR K.J.
NO.2-74-1, PUSHPA NIVAS,
MAIRODI HOUSE, PALANIR ROAD,
MANGALORE, KAVUR
MANGALORE-575015
AT PRESENT ADDRESS
3. PRETESH KUMAR
AGED ABOUT 27 YEARS,
S/O GOPALA DEVADIGA
NO.5-13, SRI GANESH KRUPA,
KAVUR, MANGALORE-575015
AT PRESENT ADDRESS

...PETITIONERS

(BY SRI. SHAHUL HAMEED REHEMAN, ADVOCATE (ABSENT))

AND:

1. THE STATE OF KARNATAKA
THROUGH BANTWAL TOWN POLICE STATION
BANTWAL TALUK,
DAKHSINA KANNADA DISTRICT

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



NC: 2026:KHC:16685
CRL.P No. 2071 of 2019

REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING
HIGH COURT
BANGALORE-560001

2. H. SANNA RANGAYYA
AGED ABOUT 45 YEARS,
TAHASILDAR
BANTWAL TALUK,
DAKHSINA KANNADA DISTRICT-574219

...RESPONDENTS

(BY SRI. M.R.PATIL, HIGH COURT GOVERNMENT PLEADER)

THIS CRL.P IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE ORDER DATED 05.03.2019 AND FURTHER PROCEEDINGS IN CRIME NO.16/2019 PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE AND J.M.F.C., BANTWAL AND QUASH COMPLAINT DATED 03.03.2019 AND FIRST INFORMATION REPORT DATED 05.03.2019 IN CRIME NO.16/2019 REGISTERED BY THE STATION HOUSE OFFICER, BANTWAL TOWN POLICE STATION AND ALL FURTHER PROCEEDINGS NOW PENDING BEFORE THE FILE OF THE ADDITIONAL CIVIL JUDGE AND J.M.F.C., BANTWAL FOR THE OFFENCE PUNISHABLE UNDER SECTION 171E OF THE INDIAN PENAL CODE, 1860 AND SECTIONS 123 AND 136 OF THE REPRESENTATION OF THE PEOPLE ACT AS AGAINST THE PETITIONERS ARRAYED AS ACCUSED NO.1, 3 AND 4.

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



CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have challenged the registration of an F.I.R in Crime No.16/2019 by the respondent No.1 for the offences punishable under Section 171E of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 123 and 136 of the Representation of the People Act, 1951, (for short, 'the R.P Act') pending consideration before the Additional Civil Judge and JMFC, Bantwal.

2. The petitioner No.1 claims to be the Proprietor of Mugrody Construction having its registered office at Kavoor, Mangaluru. Petitioner Nos.2 and 3 are working as Clerk and Office Attender respectively with the petitioner No.1. It is alleged that on 08.05.2018, the Income Tax officials raided the office of the petitioner No.1 at Kavoor, Mangaluru, and recovered Rs.22,00,000/- from him and also raided a lodge situate at B.C.Road and recovered Rs.40,00,000/- from Mr. Denzil Harman. As the election code of conduct was in force in Bantwal, a case in Crime No.16/2019 was registered by the respondent No.1 for the offences punishable under Section



171E of IPC and Sections 123 and 136 of the R.P Act against the petitioners.

3. Being aggrieved by the registration of an F.I.R., the petitioners are before this Court.

4. The learned counsel for the petitioners is absent and therefore, this Court did not have the benefit of his submissions.

5. Be that as it may, the offences alleged against the petitioners are non-cognizable in nature and therefore, the respondent No.1 ought to have resorted to the procedure prescribed under Section 155(2) of the Code of Criminal Procedure, 1973. Since the same is not done, the FIR in Crime No.16/2019 registered by the respondent No.1 against the petitioners stands vitiated.

6. Consequently this petition is ***allowed***. The proceedings in Crime No.16/2019 registered by the respondent No.1 for offences punishable under Section 171E of the Indian Penal Code, 1860 and Sections 123 and 136 of the Representation of the People Act, 1951, pending consideration



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before the Additional Civil Judge and JMFC, Bantwal, in so far
as it relates to the petitioners, is quashed.

Sd/-
(R. NATARAJ)
JUDGE

SMA
List No.: 1 Sl No.: 30