



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. 2069 OF 2019

BETWEEN:

SRI. DENZIL HARMAN
S/O. MR. GILBERT NORONHA,
AGED ABOUT 33 YEARS,
R/AT NEKKARIJ HOUSE,
ALLIPADE POST, SARAPPAADY VILLAGE,
BANTWALA TALUK,
DAKSHINA KANNADA DISTRICT-574219.
PRESENTLY WORKER OF RAMANATH RAI,
DAKSHINA KANNADA, KARNATAKA-574219.

...PETITIONER

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

AND:

1. THE STATE OF KARNATAKA
THROUGH BANTWAL TOWN POLICE STATION,
BANTWAL TALUK,
DAKSHINA KANNADA DISTRICT,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
HIGH COURT,
BANGALORE-560001.

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

...RESPONDENTS

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

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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 FOR THE OFFENCE PUNISHABLE UNDER SECTION 171-E OF IPC AND SECTIONS 123 AND 136 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE AND J.M.F.C., BANTWAL VIDE ANNEXURE-A AND ETC.

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 challenged the registration of an F.I.R in Crime No.16/2019 registered by respondent No.1 for 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 claims to be an agriculturalist and a former Private Secretary to a former Minister. It is alleged that on 08.05.2018, the Income Tax officials raided the office of one Mr. Sudhakar Shetty at Kavoor, Mangaluru, and recovered Rs.22,00,000/- from him and also raided a lodge on B.C.Road



and recovered Rs.40,00,000/- from the petitioner. Based on such recovery, since 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.

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

4. The learned counsel for the petitioner 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 petitioner 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 entire prosecution of the petitioner is vitiated.

6. Consequently this petition is ***allowed***. The proceedings in Crime No.16/2019 registered by the respondent No.1 for the offences punishable under Section 171E of the



NC: 2026:KHC:16683
CRL.P No. 2069 of 2019

Indian Penal Code, 1860 and Sections 123 and 136 of the Representation of the People Act, 1951, pending consideration before the Additional Civil Judge and JMFC., Bantwal, in so far as it relates to the petitioner herein, is quashed.

Sd/-
(R. NATARAJ)
JUDGE

SMA
List No.: 1 Sl No.: 28