



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 3129 OF 2026 (482(Cr.PC) /
528(BNSS)

BETWEEN:

1. JAYADEVA H.
S/O LATE HALAPPA,
AGED ABOUT 40 YEARS,
R/O: HALAGAPPANAHATI VILLAGE,
CHITRADURGA TALUK AND DISTRICT – 577 555.
2. CHANNABASAPPA R.S.
S/O LATE SIDDAPPA,
AGE: 73 YEARS,
R/O: SIDDAPURA VILLAGE,
CHITRADURGA TALUK AND DISTRICT – 577 520.

...PETITIONERS

(BY SRI. R. SHASHIDHARA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY CHALLAKERE POLICE STATION,
CHALLAKERE,
REPRESENTED BY SPP
HIGH COURT BUILDING
BANGALORE – 01.
2. SUJATHA H.L. W/O THIMMANNA,
AGE : MAJOR, AGRICULTURE,
DEPUTY DIRECTOR AND T.P.,
ZP ELECTION MODEL CODE OF
CONDUCT TEAM LEADER,
CHALLAKERE DIVISION,
CHALLAKERE – 577 522.

...RESPONDENTS

(BY SRI. M.R.PATIL, HCGP)



THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.973/2020 (OLD C.C.NO.39/2017) PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT CHALLAKERE PURSUANT TO THE CHARGE SHEET FILED BY THE 1ST RESPONDENT POLICE IN CRIME NO.68/2016 FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 98 OF THE KARNATAKA POLICE ACT, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

"Therefore it is respectfully prayed that this Hon'ble Court may kindly be pleased to quash the entire proceedings in C.C.No.973/2020 (old C.C.No.39/2017) pending on the file of Senior Civil Judge and JMFC at Challakere pursuant to the charge sheet filed by the 1st respondent police in Crime No.68/2016 for the offence punishable under Sections 98 of the Karnataka Police Act, in the interest of justice and equity."

2. The short grievance of the petitioners is that there is no application of mind by the learned Magistrate before permitting investigation in Crime No.68/2016 for offences punishable under Section 171E of Indian Penal Code, 1860, Section 123A of the Representation of Peoples Act, 1950 and Section 98 of the Karnataka Police Act, 1963.



3. A perusal of Annexure-B indicates that the learned Magistrate has only affixed signature by writing "permitted" on 04.02.2016. There is no application of mind made by the learned Magistrate as regards the permission to investigate in the matter which is contrary to the decision of this Court in ***Vaggeppa Gurulinga Jangaligi vs. State of Karnataka*** in ***Criminal Petition No.101997/2019*** disposed of on 10.12.2019.
4. In that view of the matter, I pass the following:

ORDER

- i. The Criminal Petition is allowed.
- ii. The entire proceeding in C.C.No.973/2020 (old C.C.No.39/2017) (arising out of Crime No.68/2016 registered by Challakere Police Station) pending on the file of the Senior Civil Judge and JMFC, Challakere, is quashed.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

NB
List No.: 19 Sl No.: 10
Ct: Vk