



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 13278 OF 2025

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. SHRINIVASA C.H.,
AGED ABOUT 63 YEARS OLD,
S/O C.H. GOPALAPPA,
R/AT UPPARAHATTI, CHANNAGIRI TOWN,
CHANNAGIRI, DAVANGERE,
KARNATAKA-577213.
2. BASAVARAJU V. SHIVAGANGA
S/O D.VEERAPPA,
AGED ABOUT 41 YEARS,
R/AT NO.1939/4, APPA
16TH CROSS, OPP NUTAN COLLEGE,
ANJANEYA BADAVANE,
DAVANAGERE, SOUTHERN EXTENSION-DVG,
DAVANAGERE, KARNATAKA-577 004.

...PETITIONERS

(BY SRI. GIRISHKUMAR R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
CHANNAGIRI POLICE STATION
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560002.





2. D.S. DEVARAJ,
AGED ABOUT 45 YEARS,
S/O NOT KNOWN,
R/AT FLYING SQUAD, CHANNAGIRI
109 CONSTITUENCY TOWN,
DAVANAGERE,
KARNATAKA-577213.

...RESPONDENTS

(BY SRI. B.N. JAGADEESHA, SPP FOR R1 AND R2)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS)
CR.P.C PRAYING TO QUASH THE CHARGE SHEET DATED
08.05.2023 IN CRIME NO.126/2023 FILED BY THE
RESPONDENT POLICE REGISTERED AS C.C.NO.1144/2023
BEFORE THE HON'BLE I ADDL CIVIL JUDGE AND JMFC
CHANNAGIRI IN C.C.NO.1144/2023 FOR THE OFFENCES
PUNISHABLE UNDER SECTION 123(1)(A) (B) OF THE
REPRESENTATION OF PEOPLE ACT, 1950, 1951, 1989 AND
UNDER SECTION 171-E OF IPC, 1860 PRODUCED AT
ANNEXURE A.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The present petition has been filed by accused Nos.1 and 2 seeking to set aside charge sheet dated 08.05.2023 filed in Crime No.126/2023 by the respondent - Police with respect to offences punishable under Section 123(1)(A)(B) of the Representation of People Act, (for short 'the Act') as well as under Section 171E of the Indian Penal Code (for short 'IPC').

2. It is made out that on 19.04.2023 at about 01.35 p.m., the complainant found that there was violation of the Election Model Code of Conduct as the accused No.2 when campaigning on behalf of accused No.1, had distributed food packets to the Congress workers, which the informant submits was a violation of the Model Code of Conduct and accordingly, FIR was registered, investigation was made and charge sheet was filed as regards offences under Section 171E of IPC read with Section 123(1)(A)(B) of the Act.



3. It is the case of the petitioner that the offence under Section 171E of the IPC relates to punishment for bribery and 171B which defines bribery, would refer to gratification to any person with object of inducing him or that other person to exercise any electoral right or for rewarding any person for having exercised such right.

4. It is submitted that distribution of food packets to workers of the same party would by no stretch of imagination come within the ambit of offence punishable under Section 171E of the IPC. It is further submitted that Section 123 of the Act also refers to a similar corrupt practice and that is with reference to inducing the electorate to exercise their right to vote.

5. Perused the column-17 of the charge sheet and the statement recorded under Section 161 of Cr.P.C. Insofar as the narration of alleged offence, it is clear that the only allegation made is that the accused had distributed food packets to supporters of the party. It is



not in dispute that the version of the prosecution itself is that accused No.2 was canvassing on behalf of accused No.1 who was a candidate of the Congress party and was distributing food packets to the workers of the party.

6. The said assertion by itself would make it clear that distribution of food packets to the workers was in the context of filing of nomination of the candidate of the Congress Party. The facts speak for themselves and clearly reference to offence under Section 171E of IPC or under Section 123 of the Act are not made out, insofar as what is contemplated under Section 171E of IPC and Section 123 of the Act are bribery and corrupt practice respectively. The distribution of food packets to its workers by the party cannot be construed to be either bribery or corrupt practice. Accordingly, we find that it is a fit case for setting aside the proceedings as continuance of which would amount to abuse of process of the Court.



7. Accordingly, the petition is ***allowed***. The proceedings in C.C.No.1144/2023 on the file of I Additional Civil Judge and JMFC, Channagiri, insofar as the petitioners are concerned are set aside.

**SD/-
(S SUNIL DUTT YADAV)
JUDGE**

MCR