



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

CRIMINAL PETITION NO.100059 OF 2026

(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

1. GURUSHIDDAPPA BASAPPA SHELLIKERI,
AGE: 58 YEARS, OCC: HOTEL EMPLOYEE,
RESIDENT OF CHANDRANATH NAGAR,
TQ. HUBBALLI, DIST. DHARWAD-580020.
2. NINGUSA KRISHNASA HABIB,
AGE: 62 YEARS, OCC: NIL,
RESIDENT OF KESHWAPUR,
TQ. HUBBALLI, DIST. DHARWAD-580023.
3. DASHARAT MOTILAL MISKIN,
AGE: 49 YEARS, OCC: BUSINESSMAN,
RESIDENT OF OLD HUBBALLI,
TQ. HUBBALLI, DIST. DHARWAD-580028.
4. VITTAL BABURAV PAWAR,
AGE: 45 YEARS, OCC: BUSINESSMAN,
RESIDENT OF ARAVIND NAGAR,
TQ. HUBBALLI, DIST. DHARWAD-580020.
5. SHINU PANDUSHA RATAN,
AGE: 40 YEARS, OCC: BUSINESSMAN,
RESIDENT OF ANCHATGERI,
TQ. HUBBALLI, DIST. DHARWAD-580024.



6. YALLAPPA HANAMANTSHA BADI,
AGE: 49 YEARS, OCC: BUSINESSMAN,
RESIDENT OF VIKASH NAGAR,
TO. HUBBALLI, DIST. DHARWAD-580021.
7. KANTU ARJUNSHA MITRANI,
AGE: 49 YEARS, OCC: BUSINESSMAN,
RESIDENT OF KAMARIPETE,
TQ. HUBBALLI, DIST. DHARWAD-580020.
8. GANGADHAR MOTILAL MISKIN,
AGE: 56 YEARS, OCC: BUSINESSMAN,
RESIDENT OF DALIMBARPETE,
TQ. HUBBALLI, DIST. DHARWAD-580020.
9. ANISH REHAMAN VIJAYAPUR,
AGE: 40 YEARS, OCC: HOTEL EMPLOYEE,
RESIDENT OF VISHVESWAR NAGAR,
TQ. HUBBALLI, DIST. DHARWAD-580032.
10. DATTATREY @ DATTA GIRUSHA
@ GIRIDHAR KATEGAR,
AGE: 41 YEARS, OCC: BUSINESSMAN,
RESIDENT OF KATAN MARKET,
TQ. HUBBALLI, DIST. DHARWAD-580029.
11. SUNIL PARASURAM LADAVA,
AGE: 49 YEARS, OCC: BUSINESSMAN,
RESIDENT OF DEVATE GALLI,
TQ. HUBBALLI, DIST. DHARWAD-580020.
12. RAJU KRISHNASA IRAKAL,
AGE: 56 YEARS, OCC: BUSINESSMAN,
RESIDENT OF ARAVIND NAGAR,
TQ. HUBBALLI, DIST. DHARWAD-580021.
13. RAMU PREMANATHSHA ATHANI,
AGE: 48 YEARS, OCC: BUSINESSMAN,
RESIDENT OF KAMARIPET,
TQ. HUBBALLI, DIST. DHARWAD-580032.



14. RAJESH PANDURANG DAMODHAR,
AGE: 54 YEARS, OCC: BUSINESSMAN,
RESIDENT OF KESHWAPUR,
TQ. HUBBALLI, DIST. DHARWAD-580020.
15. LOKESH MOTILAL BANDAGE,
AGE: 49 YEARS, OCC: BUSINESSMAN,
RESIDENT OF PRASHANT NAGAR,
TQ. HUBBALLI, DIST. DHARWAD-580024.

...PETITIONERS

(BY SRI GOURISHANKAR H. MOT, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
KALAGHATAGI P.S, DHARWAD,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, AT. DHARWAD-580011.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BHARATIYA NAGARIK SURAKSHA SAMHITA, 2023, PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE ACCUSED NO. 1 TO 15/PETITIONER NO.1 TO 15 AS INITIATED BY KALAGHATAGI POLICE STATION IN CRIME NO.163/2025 UNDER C.C.1305/2025 PENDING ON THE FILE BEFORE THE COURT OF CIVIL JUDGE AND JMFC, AT: KALAGHATAGI FOR THE OFFENCE PUNISHABLE UNDER SECTION 87 OF KARNATAKA POLICE ACT, 1963 AND UNDER SECTION 112 OF BNS, IN THE INTEREST OF JUSTICE.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

Heard the arguments of Sri. Gourishankar Mot, learned counsel for the petitioners/accused Nos.1 to 15 and Sri. Abhishek Malipatil, learned HCGP for the respondent and perused the material made available before the Court.

2. The petitioners/accused Nos.1 to 15 have filed this criminal petition under Section 482 of Code of Criminal Procedure¹/ Section 528 of Bharatiya Nagarika Suraksha Sanhita, 2023², praying to quash the entire proceedings by making prayer in the petition as follows:

"PRAYER

*WHEREFORE, it is most humbly prayed to this Hon'ble Court may be pleased to **QUASH** the Entire proceedings against the accused no. 1 to 15 /petitioners no 1 to 15 as initiated by Kalaghatagi Police Station in Crime No. 163/2025 under C.C. 1305/2025 pending on the file before the Hon'ble Court of Civil Judge and JMFC, at: Kalaghatagi for the offence punishable U/Sec 87 of Karnataka Police Act 1963 and U/Sec 112 of BNS in the interest of Justice."*

¹ Hereinafter referred to as the 'Cr.PC.'

² Hereinafter referred to as the 'BNSS, 2023'



3. It is the brief case of prosecution that on 02.07.2025, the complainant, a police constable, was at the Kalaghatagi Police Station, when the police inspector informed him that certain persons were systematically engaging in illegal gambling in a public place near the cement brick factory on Kuruvinakoppa-Kadanakoppa road. It was further informed that they were sitting in a group and playing a game called Andar Bahar with the help of ispeet cards. Acting on the said information, the complainant secured the presence of the station staff and briefed them about the incident. Thereafter, they approached near the cement brick factory on Kuruvinakoppa-Kadanakoppa road, where they found the accused persons sitting in a circle, playing the game of Andar bahar with the help of ispeet cards in the light of a torch. The police conducted a raid to the aforesaid place, apprehended all the accused and recovered a sum of Rs.45,330/- along with a pack of cards. Thereafter, the FIR was registered against the apprehended accused persons for the aforesaid offences.



4. Learned counsel for the petitioners submits that the allegation against the accused in the present case is that they were indulged in playing game of Andar bahar with the help of ispeet cards. The game of Andar bahar has been considered as a game of skill by this Court and therefore registration of FIR for the aforesaid offences is bad in law. He has placed reliance on the judgment of this Court in the case of **ERANNA AND OTHERS VS. STATE OF KARNATAKA**³ and also places reliance on the judgment of this Court in the case of **SHIVANAND AND OTHERS VS. STATE OF KARNATAKA**⁴.

5. In the above said cases, the offences alleged were that the accused were playing Andar-Bahar with ispeet cards and apprehended, but it was held that playing Andar-Bahar is not an offence under the provisions of Karnataka Police Act, 1963⁵; therefore, the proceedings initiated against the petitioners/accused Nos.1 to 15 were quashed.

³ 1977 (1) KAR.L.J 274

⁴ CrI.P.No.101794 of 2022 dated 30.06.2022

⁵ Hereinafter referred to as the 'K.P. Act, 1963'



6. Per contra, learned HCGP has opposed the petition. It is submitted that in addition to Section 87 of the Karnataka Police Act, in the present case, offence punishable under Section 112 of Bharatiya Nyaya Sanhita, 2023, is also invoked and therefore investigation is necessary. Accordingly, prays to dismiss the petition.

7. In the present case also, the allegation is that the accused were playing Andar-Bahar with the help of ispeet cards. Hence, the matter is squarely covered by the judgments of this Court as above stated. Therefore, the entire proceedings against the petitioners/accused Nos.1 to 15, pending in C.C.No1305/2025 for the offences punishable under Section 87 of the K.P. Act, 1963, and under Section 112 of BNS, 2023, in pursuance to the charge sheet, cannot be continued further. Hence, no offence is made out and the criminal proceedings initiated against the petitioners/accused Nos.1 to 15 are liable to be quashed.

8. In the result, I proceed to pass the following:



ORDER

- i. The petition is ***allowed***.
- ii. The entire proceedings initiated against the petitioners/accused Nos.1 to 15 by the Kalaghatagi Police Station in Crime No.163/2025 pending before the Principal Civil Judge (Jr.Dn) and JMFC Court, Kalaghatagi, Dharwad District, registered in C.C.No.1305/2025 for the offences punishable under Section 87 of the Karnataka Police Act, 1963, and under Section 112 of Bharatiya Nyaya Sanhita, 2023, are hereby quashed.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**