



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 100040 OF 2026 (482(CR.PC)/528(BNSS))

BETWEEN:

1. KHADARBHASHA S/O HAZIBABU
AGE 34 YEARS OCC. LABOURER
R/O. CHALLEKUDLUR VILLAGE,
TQ. SIRUGUPPA DIST. BALALRI 583101.
2. SABESHA S/O GOUSESAB
AGE 33 YEARS, OCC. LABOURER,
R/O. CHALLEKUDLUR VILLAGE,
TQ. SIRUGUPPA, DIST. BALLARI 583101.

...PETITIONERS

(BY SRI. KIRAN CHALAWADI, ADVOCATE FOR SRI. B.C.
JNANAYYASWAMI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
REP BY ITS SPP.,
HIGH COURT OF KARNATAKA,
BENCH DHARWAD 580001.
THROUGH HATCHOLLI PS.

...RESPONDENT

(BY SMT. KIRTELATA R. PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 528 OF BNSS (U/S 482 OF CR.P.C.) SEEKING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO 243/2023 CIVIL JUDGE AND JMFC SIRUGUPPA (ARISING OUT OF CRIME NO. 0009/2023 REGISTERED HATCHOLLI P.S) FOR AN OFFENCE PUNISHABLE U/S. 78(3) OF KARNATAKA POLICE ACT 1963 BY ALLOWING THE CRIMINAL PETITION IN SO FOR AS THIS PETITIONERS/ACCUSED NO.1 AND 5 ARE CONCERNED, IN THE INTEREST OF JUSTICE.





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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri Kiran Chalawadi, learned counsel appearing for Sri B.C. Jnanayyaswami, learned counsel for petitioners and Smt.Kirtilata R. Patil, learned High Court Government Pleader for the respondent.

2. The petition is filed under Section 482 of the Criminal Procedure Code (hereinafter "Cr.P.C.") with the following prayer:

"To quash the entire proceedings in C.C.No.243/2023 Civil Judge and JMFC, Siruguppa (arising out of Crime No.0009/2023 registered Hatcholli P.S) for an offence punishable U/s. 78(3) of Karnataka Police Act 1963 by allowing the Criminal Petition in so far as this petitioner is concerned the interest of justice."

3. Venkatesh Dy. SP, Ballari, filed a report stating that he had credible information on 16.02.2023 at about 1:00 p.m. near Challekudlur village.



4. Based on the said information, he raided the place, apprehended the persons involved in playing matka, seized cash, and registered the case as Crime No.9/2023 without obtaining proper prior permission from the Magistrate.

5. Thereafter, the matter was investigated, and a charge sheet was filed. When the Trial Magistrate took cognizance of the offence and issued process.

6. Petitioner challenged the order, contending that there was no proper compliance with Section 155(2) of the Cr.P.C. before registering the FIR and investigating the matter, and therefore the entire charge sheet should be quashed.

7. Learned High Court Government Pleader for respondent, however, attempted to justify the action by stating that permission was obtained, but it was after registering the FIR.

8. Such a course is impermissible in view of the principles of law enunciated in ***Vaggeppa Gurulinga***



Jangalgi Vs. State of Karnataka¹. Accordingly, a case is made out for quashing the pending proceedings. Accordingly, the following:

ORDER

- i. The petition is ***allowed***.
- ii. Pending proceedings in C.C. No.243/2023 (arising out of Crime No.09/2023) on the file of the Civil Judge and JMFC, Siruguppa, are hereby quashed.

**Sd/-
(V.SRISHANANDA)
JUDGE**

AC
CT-CMU
LIST NO.: 1 SL NO.: 100

¹ ILR 2020 Kar 630