



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. 100041 OF 2026

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

BETWEEN:

SHABESH S/O GHOUSE
AGE 29 YEARS OCC. SELF EMPLOYED,
R/O. CHELLEKODLURU VILLAGE,
TQ .SIRUGUPPA DIST. BALLARI 583101

...PETITIONER

(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 P.S.

...RESPONDENT

(BY SMT. KIRTELATA R. PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.,
SEEKING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO 3779/2022
CIVIL JUDGE AND JMFC SIRUGUPPA (ARISING OUT OF CRIME NO.
0062/2022 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/ACCUSED NO.2 IS 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 petitioner 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:

"Wherefore the petitioner's/accused No.2 respectfully prays that this Hon'ble court may be pleased to quash the entire proceedings in C.C.No.3779/2022 Civil Judge and JMFC, Siruguppa (arising out of Crime No.0062/2022 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. Nagarathna PSI, Ballari, filed a report stating that he had credible information on 20.09.2022 at about 12.00 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.62/2022 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 Karnataka***¹. Accordingly, a case is made out for quashing the pending proceedings. Accordingly, the following:

¹ ILR 2020 Kar 630



ORDER

- i. The petition is ***allowed***.
- ii. Pending proceedings in C.C. No.3779/2022 (arising out of Crime No.62/2022) on the file of the Civil Judge and JMFC, Siruguppa, are hereby quashed.

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

AC
Ct-cm
LIST NO.: 1 SL NO.: 101