



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 102607 OF 2025

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

BETWEEN:

1. SHRI CHIKKAREVANNA S/O SHRI AJJAPPA,
AGE: 52 YEARS,,
OCC: BUSINESS/SOCIAL SERVICE,
RESIDING AT CHIKKEGOUDAN PALYA,
TALAGATAPUR BENGALURU, ANJANEYA NAGAR,
RAMDURG, TAL. RAMDURG, DIST. BELAGAVI
PIN CODE 591123.
2. SMT. BHAVYA W/O CHIKKAREVANNA,
AGE. 48 YEARS, OCC. HOMEMAKER,
RESIDING AT CHIKKEGOUDAN PALYA,
TALAGHATAPUR BENGALURU,
ANJANEYA NAGAR, RAMDURG,
TAL. RAMDURG, DIST. BELAGAVI
PIN CODE-591123.

...PETITIONERS

(BY MISS. AKSHATA SAWANT, ADVOCATE FOR
SRI. SURAJ S. MUTNAL, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH THE RAMDURG POLICE ,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD
PIN CODE-580011.

...RESPONDENT

(BY SMT. KIRTELATA R. PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 528 OF BNSS, PRAYING
TO QUASH THE ENTIRE CHARGE SHEET AND ENTIRE PROCEEDINGS IN





CC NO.755/2023 (RAMDURG P.S. CRIME NO.89/2023) REGISTERED FOR ALLEGED OFFENCE PUNISHABLE UNDER SECTION 188 OF THE INDIAN PENAL CODE AND SECTION 7 READ WITH SECTIONS 3 AND 6 OF THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988 PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS AT RAMDURG, THE CERTIFIED COPIES OF THE SAME ARE PRODUCED AS ANNEXURES-A AND D, AS AGAINST THE ACCUSED NOS.1 AND 2/PETITIONERS HEREIN AND ETC.

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

ORAL ORDER

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

Heard Miss Akshata Sawanth for Sri Suraj S.Mutnal, learned counsel for petitioner and Smt.Kirtilata R.Patil, learned High Court Government Pleader for respondent.

2. Petition under Section 482 Cr.P.C. with the following prayer.

"To quash the entire charge sheet and entire proceedings in CC No.755/2023 (Ramdurg P.S. Crime No.89/2023) registered for alleged offence punishable under Section 188 of the Indian Penal Code and Section 7 read with Sections 3 and 6 of the Religious Institutions (Prevention of Misuse) Act, 1988 pending on the file of the Senior Civil Judge and Judicial Magistrate First Class at Ramdurg, the certified copies of the same are produced as Annexures-A and D, as against the accused Nos.1 and 2/petitioners herein and etc."



3. Facts of the case are as under:

3.1 Flying Squad by name Shafiq Ahmad Fakruddin Belavatagi who was deployed for supervising the election work in the assembly elections noted that the religious place has been misused violating the code of conduct in the general elections held in the year 2023. On 20.04.2023 at about 03:00 p.m., there was a religious programme organized in Oblapura Village, Devajjayana Mutt Jatra and thereby violated the code of conduct and therefore, sought for action under Section 171E of IPC.

4. Since it is a non-cognizable offence, all that the jurisdictional police was required to do is to enter the gist of the non-cognizable offence in the station house diary and should have referred the informant namely Shafiq Ahmad Fakruddin Belavatagi to the Magistrate to obtain necessary permission to investigate the matter and thereafter the Magistrate should have applied his mind and then permitted the police to investigate the matter and file appropriate report.

5. In the case on hand, no doubt, informant gave the information to the police. After receipt of information instead of



referring the informant to the Magistrate, police themselves have approached the Magistrate with a letter seeking permission and trial Magistrate without even looking into the relevant provisions, has permitted the investigation to be conducted by passing an order on 29.04.2024 based on the letter given by the police station which is incorrect and against the procedure to be adopted under Section 155 Cr.P.C.

6. Therefore, very registering the case and investigating the matter and filing charge sheet stood vitiated.

7. Accordingly, following:

ORDER

- i. Petition is allowed.
- ii. Pending criminal proceedings in C.C.No.755/2023 on the file of Senior Civil Judge and J.M.F.C., Ramdurg is hereby quashed.

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

CLK
Ct-cmu
LIST NO.: 3 SL NO.: 42