



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 103450 OF 2023 (482(CR.PC)/528(BNSS))

BETWEEN:

BASAVARAJ S/O RAMANNA GOLLAR
AGE 35 YEARS, OCC. BUSINESS
R/O. GUDUR SC, TQ ILKAL,
DIST BAGALKOT-5873103.

...PETITIONER

(BY SRI. M.C. HUKKERI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ILKAL POLICE STATION REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH.

...RESPONDENT

(BY SMT. KIRTELATA R. PATIL, HCGP)



THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.,
SEEKING TO ALLOW THE PETITION AND QUASH THE ENTIRE
PROCEEDINGS AS AGAINST THE PETITIONER I.E., ACCUSED NO.2 IN
S.C. NO.68/2022 (ARISING OUT OF ILKAL P.S. CR.NO.90/2021) AT
ANNEXURE-A PENDING BEFORE PRL. DISTRICT AND SESSIONS COURT
BAGALKOT FOR THE ALLEGED OFFENCES PUNISHABLE U/S 3, 4, 5, 7,
9 OF IMMORAL TRAFFIC PREVENTION ACT AND SECTION 370 OF IPC,
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.M.C.Hukkeri, learned counsel appearing for petitioner and Smt.Kirtilata R. Patil, learned High Court Government Pleader appearing for respondent-State.

2. The present petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, with the following prayer:

"Wherefore, the petitioner most respectfully pray that this Hon'ble Court be pleased to allow the petition and quash the entire proceedings as against the petitioner i.e., accused No.2 in S.C.No.68/2022 (arising out of Ilkal P.S.Cr.No.90/2021) at Annexure-A pending before Prl. District and Sessions Court Bagalkot for the alleged offences punishable under Sections 3, 4, 5, 7, 9 of Immoral Traffic (Prevention) Act and Section 370 of IPC, to meet the ends of justice".

3. The petitioner is a customer who was apprehended in connection with the offences punishable under Sections 3, 4, 5, 7 and 9 of the Immoral Traffic (Prevention) Act and under Section 370 of the Indian Penal Code.

4. It is well-settled and as held by this Court in Criminal Petition No. 101333 of 2023 dated 12.07.2023, that a customer cannot be proceeded against under the aforesaid Act.



5. There is no dispute from the prosecution that the petitioner was apprehended as a customer indulging in the activity attracting the aforesaid offences.

6. In view of the provisions of the Act, the petitioner cannot be proceeded against for the alleged offences.

7. Accordingly, following the principles laid down in Criminal Petition No.101333 of 2023 dated 12.07.2023, the following order is passed:

ORDER

- (i) The petition is allowed.
- (ii) Consequently, the pending proceedings in S.C.No.68/2022 arising out of Ilkal Police Station in Crime No.90/2021, pending on the file of Principal District and Sessions Court, Bagalkot are hereby quashed insofar as the petitioner is concerned.

Sd/-
(V.SRISHANANDA)
JUDGE