



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.102985 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

MOHAMMADYUNUS ABDULGAFFAR BHAVIKATTI,
AGE: 52 YEARS, OCC: BUSINESS,
R/O. PLOT NO.764-10/A
7TH CROSS, BHAGYA NAGAR,
BELAGAVI-590006.

...PETITIONER

(BY SRI A. S. SHAIK, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
REPRESENTED BY PUBLIC PROSECUTOR,
TILAKWADI P.S., BELAGAVI,
AT: BELAGAVI-590001.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.528 OF BNSS, 2023) PRAYING TO CALL FOR RECORDS IN C.C.NO.2096/2023 PENDING BEFORE THE JMFC- IV COURT, BELAGAVI, AT BELAGAVI AND QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.2096/2023, CRIME NO. 43/2023, TILAKWADI POLICE STATION, BELAGAVI FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 171(B) AND 171(E) OF IPC.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

The accused has preferred this petition under Section 482 of Cr.P.C. with the following prayer:

"i. Call for records in C.C.No.2096/2023 pending before the JMFC IV Court, Belagavi, at Belagavi and quash the entire proceedings in C.C.No.2096/2023, Crime No.43/2023, Tilakwadi Police Station, Belagavi for the offences punishable U/s 171(B) and 171(E) of IPC.

ii. Pass any such order that this Hon'ble Court deems fit in the interest of justice and equity."

2. It is the brief case of the prosecution that there was election process in the month of May' 2023 and before that there was Code of Conduct in force and the complainant found that the brother of the accused was distributing 37 ration kits by loading it in Bolero Jeep with a board 'Ramzan Mubarak with best compliments from Shri. Mohammed Yunus Bhavikatti' and upon enquiring the brother of accused whether any permission was obtained, the brother of accused stated that no permission was



obtained. Therefore, crime is registered with accusation that when Code of Conduct was in force the petitioner was distributing ration kits. Accordingly, crime came to be registered as above stated.

3. Heard Sri.A.S.Shaik, learned counsel appearing for the petitioner/accused and Sri. Abishek Malipatil, learned HCGP appearing for the respondent/State.

4. The learned counsel for the petitioner submitted that the petitioner had come with 37 ration kits to distribute it among the poor people on the eve of Ramzan festival, which was from 22.03.2023 to 21.04.2023. Incidentally, the election Code of Conduct was also in force and there was eve of Ramzan festival. Therefore, the petitioner was in the process of distributing the ration kits for festival purpose as it is practice in the community during the said festival. Therefore, submitted that the distribution of ration kits was on the eve of festival for religious purpose, but not



in connection with any election. Therefore, prays to quash the proceedings.

5. Upon considering the arguments and charge sheet materials, the place of occurrence is in front of house of the petitioner. In front of house of the petitioner, the petitioner had loaded 37 ration kits in a Bolero Jeep. Admittedly, on 17.04.2023 when the rations kits were seized there was Ramzan festival from 22.03.2023 to 21.04.2023, as well as there was election Code of Conduct in force since there was election in the month of May' 2023. During this period, the 37 ration kits were seized by the Officials of Election Returning Officers.

6. Considering these factors, the Court has posed a question to the learned HCGP that whether there is any material prima facie to show that there is an investigation regarding distribution of these kits is linking with election purpose. There should have been confession by the petitioner during investigation that distribution of kits is on



behalf of candidate who is contesting election, but there is no such confession or statement by the petitioner and is not part of charge sheet. Even during the course of spot panchanama and seizure panchanama nothing prima facie material to show that distribution of kits is beneficial to the candidate, who is contesting election. But admittedly there is no such material collected by the Investigating Officer.

7. Admittedly, when the distribution of kits is in the month of Ramzan and also Code of Conduct was in force, there ought to have been some material prima facie to show that the distribution of kits is being made for supporting the candidate who is contesting in election, but that is not done during the investigation and also there is no material in the charge sheet. Therefore, the prosecution has got mistaken impression that distribution of ration kits is for the benefit of a candidate who is contesting in any election, but that is not found in the charge sheet materials. No doubt the Bolero Jeep was loaded with 37 ration kits and



according to the petitioner it was meant for distribution for poor people during Ramzan festival and it is a practice in their community to give donations during the festival. Therefore, considering these facts and circumstances just because during Ramzan festival the ration kits were seized that would not amount to distribution for election purpose. The Investigating Officer has not collected any material that the ration kits were being used for election purpose. Atleast Investigating Officer should have collected some material by way of statement or confession by the accused or during the course of seizure panchanama or spot panchanama or in any event a statement should have been recorded, but this element is not found in the charge sheet. Therefore, initiation of criminal case against the petitioner is abuse of process of court. Hence, the proceedings against the petitioner is to be quashed.

8. Hence, I proceed to pass the following:

ORDER



- (i) The petition is ***allowed***.
- (ii) The proceedings against petitioner/accused registered for the offences punishable under Section 171(B) and 171(E) of IPC in Crime No.43/2023 by Tilakwadi Police Station, Belagavi, pending in C.C.No.2096/2023 before the JMFC IV Court, Belagavi, is hereby quashed.

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