



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.104920 OF 2025
(482 OF Cr.PC/528 OF BNSS)
C/W
CRIMINAL PETITION NO. 100506 OF 2026
(482 OF Cr.PC/528 OF BNSS)

IN CRL.P.NO.104920 OF 2025

BETWEEN:

1. SRINIVAS S/O. JEEVAJI DIVATE,
AGE: 44 YEARS, OCC: TATA DTS SERVICE,
R/AT: TORAVIHAKKAL, KAMARIPET,
TQ. HUBLI, DIST. DHARWAD-580020.
2. KIRAN S/O. SHAMASUNDAR GUJJAR,
AGE: 45 YEARS, OCC: TAILORING WORK,
R/AT: BILAGI PLOT, MAYURA ESTATE,
KESHWAPUR, HUBBALLI, DIST. DHARWAD-580020.

...PETITIONERS

(BY SRI GOURISHANKAR H. MOT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
OLD HUBBALLI POLICE STATION, HUBBALLI,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, AT: DHARWAD-580011.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.528 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE ACCUSED NO.1 AND 2/ PETITIONERS IN OLD-HUBBALLI POLICE STATION CRIME NO.111 OF 2025 WHICH IS REGISTERED IN C.C.NO. 3910/2025 PENDING ON THE FILE OF 4TH ADDITIONAL CIVIL JUDGE AND JMFC, COURT, AT:



NC: 2026:KHC-D:4807
CRL.P No. 104920 of 2025
C/W CRL.P No. 100506 of 2026

HUBBALLI FOR THE OFFENCE PUNISHABLE U/S.78(3) OF K.P. ACT, IN THE INTEREST OF JUSTICE.

IN CRL.P.NO.100506 OF 2026

BETWEEN:

1. JAGANATH S/O. VISHWANATH PATTAN,
AGE: 37 YEARS, OCC: BUSINESSMEN,
R/AT: BASAVESHWAR TEMPLE, GANTIKERI ONI,
HUBBALLI, TQ. HUBBALLI, DIST. DHARWAD-580026.
2. VENKATESH S/O. ASHOK SOLANKE,
AGE: 36 YEARS, OCC: BUSINESSMEN,
R/AT: DESHPANDE NAGAR, 3RD CROSS,
DASARA APARTMENT, HUBBALLI,
TQ. HUBBALLI, DIST. DHARWAD-580029.
3. KIRAN S/O. KRISHNASA KATAVE,
AGE: 34 YEARS, OCC: BUSINESSMEN,
R/AT: H.NO.1, HOSUR, 1ST CROSS,
TEJ COMPARTS, HUBBALLI,
TQ. HUBBALLI, DIST. DHARWAD-580028.

...PETITIONERS

(BY SRI GOURISHANKAR H. MOT, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
HUBBALLI TOWN POLICE STATION, HUBBALLI,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, AT: DHARWAD-580011.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.528 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE ACCUSED NO. 1 TO 3/ PETITIONERS IN HUBBALLI TOWN POLICE STATION CRIME NO.49 OF 2025 WHICH IS REGISTERED IN C.C.NO. 486/2025 ON THE FILE OF JMFC-1 COURT, AT: HUBBALLI FOR THE OFFENCE PUNISHABLE U/S.78(3) OF K.P. ACT AND 112 OF BNS, 2023, IN THE INTEREST OF JUSTICE.

THESE PETITIONS, COMING ON FOR FURTHER ARGUMENTS, THIS DAY ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

Crl.P.No.104920/2025 is filed by accused Nos.1 and 2 under Section 528 of BNSS, seeking the following relief:

"WHEREFORE, it is most humbly prayed to this Hon'ble Court may be pleased to QUASH the entire proceedings against the accused No.1 & 2/petitioners in Old-Hubballi Police Station Crime No.111 of 2025 which is registered in CC No.3910/2025 pending on the file of Hon'ble 4th Additional Civil Judge and JMFC, Court, at Hubballi for the offence punishable U/Sec.78(3) of K.P.Act, in the interest of justice".

2. Crl.P.No.100506/2026 is filed by accused Nos.1 to 3 under Section 528 of BNSS, seeking the following relief:

"WHEREFORE, it is most humbly prayed to this Hon'ble Court may be pleased to QUASH the entire proceedings against the accused No.1 & 2/petitioners in Hubballi Town Police Station Crime No.49 of 2025 which is registered in CC No.486/2025 on the file of Hon'ble JMFC-I Court, At: Hubballi for the offence



*punishable U/Sec.78(3) of K.P.Act & 112 of BNS, 2023
in the interest of justice”.*

3. The material on record, namely the complaint and FIR, reveals that the accused allegedly indulged in betting on cricket matches during the IPL season, and a crime have been registered against them for the aforesaid offences.

4. The learned counsel for the petitioners submitted that betting on cricket matches does not constitute an offence, as cricket is a game of skill and not a game of chance. In support of this contention, reliance is placed on the order passed by this Court in CrI.P.No.101349/2025, wherein this Court, in paragraphs Nos.3 and 4, held as follows:

"3. Perusal of the material on record would go to show that FIR has been registered against the accused in the present case alleging that he was indulged in betting on the cricket match when the Tata IPL 2020 cricket match was going on. The co-ordinate Bench of this court in Criminal Petition



No.2929/2021 in paragraph No.12 has observed as follows:

"12. One of the petitioners is bookie said to have involved in betting. Sri Hashmath Pasha has relied upon a judgment of the Supreme Court in Board of Control for Cricket vs Cricket Association of Bihar and others (2016 (8) SCC 535) where it is observed that betting is to be legalized. It was argued by the respondent that betting amounts to gaming which is an offence under the Karnataka Police Act. If Section 2(7) of the Karnataka Police Act is seen, its explanation very clearly says that game of chance does not include any athletic game or sport. Cricket is a sport and therefore even if betting takes place, it cannot be brought within the ambit of definition of 'gaming' found in Karnataka Police Act."

4. In the light of the order passed by the coordinate Bench which is referred to hereinabove, the proceedings initiated against the petitioner for the aforesaid offences cannot be sustained. Accordingly, the following'

5. Therefore, in view of the order passed by this Court in the above-stated case, the proceedings initiated against the petitioners are liable to be quashed.

6. Accordingly, the following:

ORDER

- i. The criminal petitions are ***allowed***.



- ii. The proceedings against the petitioners/accused Nos.1 and 2 in Old Hubballi Police Station Crime No.111 of 2025, registered in C.C.No.3910/2025, pending on the file of the IV Additional Civil Judge and JMFC Court, Hubballi, for the offence punishable under Section 78(3) of the K.P. Act, are hereby quashed and;
- iii. The proceedings against the petitioners/accused Nos.1 to 3 in Hubballi Town Police Station Crime No.49 of 2025 which is registered in CC No.486/2025 on the file of JMFC-I Court, Hubballi for the offence punishable U/Sec.78(3) of K.P.Act & 112 of BNS, 2023 are hereby quashed.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE