



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.104754 OF 2025
(482 OF CR.PC/528 OF BNSS)

BETWEEN:

1. RAKESHKUMAR S/O. SATPAL GIRIDHAR,
AGE: 52 YEARS, OCC: BUSINESSMAN,
R/O. SADANAND COLONY, JAMKHANDI,
DISTRICT: BAGALKOT-587301.
2. SANTOSH S/O. MARUTI HULAKUND,
AGE: 45 YEARS, OCC: BUSINESSMAN,
R/O. LAXMI NAGAR, JAMKHANDI,
DISTRICT: BAGALKOT-587301.
3. GULAB S/O. NABISAB NARAGUND,
AGE: 47 YEARS, OCC: BUSINESSMAN,
R/O. SARASWATI NAGAR, JAMKHANDI,
DISTRICT: BAGALKOT-587301.
4. KALLAPPA S/O. BHIMAPPA SINGADI,
AGE: 68 YEARS, OCC: RETIRED PERSON,
R/O. SHANTI NAGAR, JAMKHANDI,
DISTRICT: BAGALKOT-587301.

...PETITIONERS

(BY SRI RAVICHANDRAGOUDA R. PATIL, ADVOCATE.)

AND:

THE STATE OF KARNATAKA,
BY JAMKHANDI TOWN POLICE STATION-587301,



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

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.914/2022 PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, JAMKHANDI, BAGALKOT, ARISING OUT OF CRIME NO.100/2021 OF JAMKHANDI TOWN POLICE STATION, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTION 78(1)(a)(vi), 79 AND 80 OF THE KARNATAKA POLICE ACT, 1963, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,.

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 petitioners are sought to be prosecuted for the offences punishable under Sections 78(1)(a)(vi), 79 and 80 of the Karnataka Police Act, 1963.

2. The case of the prosecution is that, on receiving credible information from the higher officers that, some persons were involved in cricket betting in a house situated on Kunchanur Road near Danamma Devi Temple of



Jamakhandi Town, the complainant after seeking permission from the learned Magistrate under Section 155 of Cr.P.C., conducted a raid and it was disclosed that the petitioners were involved in a betting on the cricket match (ICC World-Cup).

3. The question as to whether the betting on the cricket match comes under the definition of "gaming" under Section 2(7) of the Karnataka Police Act was examined by the Co-ordinate Bench of this Court in Crl.P.No.4090/2023 disposed of on 16.8.2023, wherein, at paragraphs No.7 and 8 it has ruled as follows:

"7. The coordinate Bench of this Court in Crl.P. No.2929/2021 at para-12 has held 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."

8. Admittedly, the accused No.4 is alleged to have been found betting on the cricket match, and the coordinate Bench of this Court has held that 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. Hence, in the absence of essential elements so as to constitute the commission of offence punishable under Section 78(ii) of the Karnataka Police Act, the registration of FIR for the aforesaid offence stands vitiated. Hence, the continuation of criminal investigation will be an abuse of process of law."

4. In the light of the above, even accepting that the petitioners were involved in betting on the cricket match, the same does not come under the definition of "gaming" as defined under Section 2(7) of the Karnataka Police Act, and therefore, the continuation of the criminal proceedings



against the petitioners will be an abuse of process of the law and without jurisdiction.

5. Accordingly, I pass the following:

ORDER

a) The petition is allowed;

b) The impugned proceedings in C.C.No.914/2022 pending on the file of Principal Civil Judge and JMFC, Jamkhandi, Bagalkote, arising out of Crime No.100/2021 of Jamkhandi Town Police Station, registered for the offences punishable under section 78(1)(a)(vi), 79 and 80 of the Karnataka Police Act, 1963, insofar it relates to the petitioners No.1 to 4, is hereby quashed.

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

MRK
CT-AN
List No.: 2 Sl No.: 77