



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 105146 OF 2025

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

BETWEEN:

SHRI UDAY S/O RAMAKRISHNA SHETTY,
AGE 50 YEARS, OCC. BUSINESS,
R/O. DHARMANABYLE, CHIPAGI,
TQ. SIRSI, DIST. UTTARA KANNADA-581402.

...PETITIONER

(BY SRI. R.H. ANGADI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
(SIRSI TOWN POLICE STATION)
R/BY STATE PUBLIC PROSECUTOR,
THE HIGH COURT OF KARNTAKA,
DHARWAD BENCH, DHARWAD 580011.

...RESPONDENT

(BY SMT. KIRTI LATA R. PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN SIRISI TOWN POLICE STATION IN P.S. CRIME NO. 98/2025, FOR THE OFFENCE PUNISHABLE UNDER SECTION 78 (3) OF KP ACT, PENDING IN C.C. NO. 507/2025, ON THE FILE OF SENIOR CIVIL JUDGE AND PRINCIPAL JMFC COURT, SIRSI, SO FAR AS PETITIONER WHO IS ARRAYED AS ACCUSED NO. 2, 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)

Heard Sri R.H.Angadi, 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 criminal proceedings in Sirisi
Town Police Station in P.S. Crime No. 98/2025, for the
offence punishable under Section 78 (3) of KP Act,
pending in C.C. No. 507/2025, on the file of Senior Civil
Judge and Principal JMFC Court, Sirsi, so far as petitioner
who is arrayed as accused No. 2, in the interest of
justice."*

3. Petitioner is accused No.2 in C.C.No.507/2025,
who has been charged with the offence punishable under
Section 78(3) of the Karnataka Police Act.

4. Facts in the nutshell which are utmost necessary
for disposal of the present petition are as under:



4.1 Sri Narayan Rathod, a Police Officer, received a credible information that somebody is involved in the matka business and therefore raided the place which leads from Ganesh Nagar to Sirsi, New Bus Stand. A person was shouting that for ₹1, ₹80 would be paid. Head of the raid party was able to raid on him and seized cash of ₹540 and chits and a pen and two small white paper pieces which were used for playing O.C. matka.

4.2 On further enquiry with him, he has revealed the name of the present petitioner who was acting as bookie. Thereafter, said person was arrested and he revealed his name as Ravi Venkappa Bhovi. After such raid, necessary permission was obtained from the jurisdictional Magistrate to register the case and investigate the matter.

4.3 During the course of investigation, when accused No.1 was in custody, he has given the voluntary statement. Based on which, present petitioner has been arraigned as additional accused who was acting as a bookie.



5. Police after thorough investigation filed charge sheet. Column No. 17 of the charge sheet would indicate that petitioner was playing the O.C.matka and present petitioner was acting as a bookie. The first accused has offered ₹80 for ₹1.

6. Learned trial Magistrate has taken cognizance of the offence alleged against the petitioner after receipt of charge sheet and has registered the case and issued process. Said order is called in question in this petition.

7. Sri R.H.Angadi, learned counsel for petitioner would contend that material on record to arraign the present petitioner as second accused is only the voluntary statement of accused No.1. Therefore, no *prima facie* materials are available on record to proceed with the criminal case against the petitioner which results in abuse of process of law and sought for quashing of proceedings.

8. Per contra, Smt.Kirtilata R.Patil, learned High Court Government Pleader would submit that in the absence of any previous enmity between the first accused and the present



petitioner or between the petitioner and the head of the raid party, why would the investigation agency falsely implicate the present petitioner in the incident is a question that has to be gone into during the trial and therefore, sought for dismissal of the petition.

9. Further, it is the voluntary statement that led the investigation agency to apprehend. The present petitioner, who was admittedly the resident of Chippagi Village, Sirsi taluk.

10. In his voluntary statement also, petitioner has revealed certain aspects which cannot be *per-se* considered as it amounts to confession, in the absence of any recovery based on his voluntary statement.

11. Thus, since the matter is to be adjudicated on merits as to the involvement of the present petitioner in the incident, this Court resisting from holding mini trial is of the opinion that the petitioner has to face the trial.



12. Accordingly, following:

ORDER

- i. Petition is dismissed.
- ii. All available defences to the petitioner are kept open to be urged in the trial in accordance with law.

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

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CT-CMU
LIST NO.: 1 SL NO.: 91