



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200079 OF 2026

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

BETWEEN:

SMT. GOURAMMA D/O. BASAVARAJ WADI
AGE 37 YEARS, OCC TEACHER IN
REVANASIDDESHWAR HIGHER PRIMARY SCHOOL
DHANGAR GALLI, BRAHMPUR,
KALABURAGI.
R/O H.NO.11/36A/16, DHANGARGALLI,
BRAHMPUR, KALABURAGI-585102.

...PETITIONER

(BY SRI K. M. GHATE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH STATION HOUSE OFFICER,
CIVIL RIGHTS ENFORCEMENT DIRECTOR
POLICE STATION,
THROUGH ADDL STATE PUBLIC PROSECUTOR
KALABURAGI BENCH, KALABURAGI-585107.

2. SMT. INDIRABAI PSI.,
C.R.E.CELL POLICE STATION, KALABURAGI.

...RESPONDENTS

(BY SRI GOPAL KRISHNA B. YADAV, HCGP FOR R1;
SRI GOWTHAMDEV C. ULLAL, SPL. COUNSEL FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC.
528 OF BNSS (NEW), PRAYING TO QUASH THE FIR AND





COMPLAINT FILED BY RESPONDENT NO.1-POLICE KALABURAGI DCRE P.S. IN CR.NO.4/2025 FOR THE OFFENCES P/U/S 196,197,198 AND 420 OF IPC R/W SEC. 5(A) AND 5(B) OF KARNATAKA SC/ST AND OBC (RESERVATIONS OF APPOINTMENTS ETC) ACT 1990 BY THE RESPONDENT NO.1 POLICE STATION PENDING BEFORE THE HONOURABLE II ADDL. DISTRICT AND SESSIONS JUDGE, KALABURAGI IN FIR NO.60/2025 DATED 17.07.2025, TO MEET THE ENDS OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

The petitioner being accused No.1 in Crime No.4/2025 registered by Kalaburagi DCRE Police, Kalaburagi, for the offences punishable under Sections 196, 197, 198, 420 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 5(A) and 5(b) of the Karnataka Scheduled Castes/Scheduled Tribes and Other Backward Classes (Reservation of Appointments, Etc.) Act, 1990, is seeking to quash the criminal proceedings initiated against her.

2. Heard Sri K.M. Ghate, learned counsel for the petitioner and learned High Court Government Pleader Sri Gopal Krishna S., for respondent No.1-State and



Sri Goutham C. Ullal, learned Special counsel for respondent No.2. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the criminal proceedings initiated against the petitioner is liable to be quashed invoking inherent power under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023?"

4. My answer to the above point is in '**Affirmative**' for the following:

REASONS

5. It is the contention of the petitioner that, she is arrayed as accused No.1 in Crime No.4/2025 of Kalaburagi DCRE Police Station, for the above said offences. The allegation against the petitioner is that, she has obtained false Caste Certificate by playing fraud and misrepresentation that she belongs to Scheduled Tribe. It is alleged that, the District Caste Verification Committee had set-aside the Caste Certificate issued in favour of the petitioner on 08.01.2025 and the criminal proceedings were initiated.



6. It is the contention of the learned counsel for the petitioner that the petitioner has challenged the order passed by the District Caste Verification Committee before the Director of Scheduled Tribe Welfare Department being the Appellate Authority under Section 4-D(1) of the Karnataka Scheduled Castes/Scheduled Tribes and Other Backward Classes (Reservation of Appointments, Etc.) Act, 1990 and the same is still pending consideration.

7. Learned counsel for the petitioner further submits that, as per Section 6 of the Karnataka SC/ST and Other B.C. (Reservation of Appointments, Etc.) Act, unless a valid sanction is obtained from the State Government, no criminal prosecution can be initiated.

8. Learned counsel for the respondents fairly conceded that, no such sanction is obtained and seek liberty to get sanction to prosecute the petitioner afresh. Learned counsel for the petitioner has no objection for the same.

9. Section 6 of the Karnataka Scheduled Castes/Scheduled Tribes and Other Backward Classes (Reservation of Appointments, Etc.) Act, refers to the



cognizance of the offence and it bars taking cognizance of the offence, unless there is sanction by the State Government. When such clear bar is provided under Section 6, criminal proceedings cannot be proceeded in the absence of such sanction. Under such circumstances, cognizance of the offence could not be taken by the Trial Court. Hence, I am of the opinion that the criminal proceedings is liable to be quashed.

10. In view of the above, I answer the above point in the ***affirmative*** and proceed to pass the following:

ORDER

- i) The petition is ***allowed***.
- ii) The criminal proceedings initiated against the petitioner/accused No.1 in Crime No.4/2025, registered by Kalaburagi DCRE Police, Kalaburagi, for the offences punishable under Sections 196, 197, 198, 420 of IPC and Sections 5(A) and 5(B) of the 'Karnataka SC/ST and Other Backward Clases (Reservation of Appointments, Etc.) Act, 1990, is hereby quashed.
- iii) Liberty is reserved with the respondents to get necessary sanction under Section 6 of the Karnataka SC/ST and Other Backward Classes



(Reservation of Appointments, Etc.) Act, 1990
and initiate criminal action against the petitioner
afresh, if they are advised to do so.

In view of disposal of the petition, I.A.1/2026 for stay
does not survive for consideration and the same is disposed of.

Sd/-
(RAJESH RAI K)
JUDGE

SDU
LIST NO.: 1 SL NO.: 44
CT:RJ