

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24Th DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200306 OF 2026

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

BETWEEN:

1. PRAMOD KARNAM
S/O LATE K VASUDEV MURTHI KARNAM
AGE: 52 YEARS
OCC: ELECTION OFFICER/CO-OPERATIVE
SOCIETIES DEVELOPMENT OFFICER
OFFICE OF THE ASSISTANT REGISTRAR
OF COOPERATIVE SOCIETIES
R/O PLOT NO.232/A SEDAM ROAD
NEAR UNIVERSITY, VIRENDRA PATIL NAGAR
KALABURAGI-585105
2. SANJAYKUMAR S/O REVANASIDDAPPA
AGE: 56 YEARS
OCC: ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES KALABURAGI
R/O H.NO2-907/12/A SANJAY NIVAS
SEDAM ROAD, GUBBI COLONY
KALABURAGI-585105

...PETITIONERS

(BY SRI. ASHOK MULAGE., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SUB-UBAN POLICE STATION
KALABURAGI
DIST: KALABURAGI-585102
R/BY ADDL.SPP
HIGH COURT OF KARNATAKA
KALABURAGI, BENCH-585107

2. ASHOK S/O MOGALAYYA GUTTEDAR
 AGE: 60 EYARS
 OCC: SOCIAL WORKER AND BUSINESS
 R/O BHUSNOOR, TQ: ALAND
 DIST: KALABURAGI-585236

...RESPONDENTS

(BY SRI. GOPALKRISHNA B. YADAV, HCGP FOR R1;
 NOTICE TO R2 SERVED)

THIS CRL.P IS FILED U/SEC. 528 OF BNSS (NEW),
 PRAYING TO ALLOW THE PETITION AND QUASH THE FIR AND
 COMPLAINT IN CRIME NO.345/2025 OF SUB-URBAN POLICE
 KALABURAGI CITY FOR THE OFFENCES PUNISHABLE U/SECS.
 201, 351(2), 352 R/W 3(5) OF BNS-2023 PENDING ON THE
 VILE OF V ADDL. CIVIL JUDGE (JR. DN) AND JMFC,
 KALABURAGI IN FIR NO.2980/2025.

THIS PETITION HAVING BEEN HEARD AND RESERVED
 FOR ORDERS ON 12.03.2026, COMING ON FOR
 "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT MADE
 THE FOLLOWING:

ORAL ORDER

The petitioners have filed this petition under Section
 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking
 following relief's;

*"Wherefore, the Hon'ble Court may kindly
 be pleased to allow the petition and quash the
 FIR and complaint in Crime No.345/2025 of
 Sub-Urban Police Kalaburagi City for the
 offences punishable under Sections 201, 351(2),
 352 r/w 3(5) of BNS-2023 pending on the file of
 V Addl. Civil Judge (Jr.Dn.) and JMFC,
 Kalaburagi in FIR No.2980/2025, in the interest
 of justice and equity."*

2. The brief facts of the case is that, on 08.12.2025, complainant/respondent No.2 filed a complaint against the petitioners alleging that, the complainant is contesting to the post of Administrative Director in a election to be held to a Co-operative Sugar Factory Limited, Bhusnoor on 03.12.2025 at Vishwaradhya Temple premises, Kalaburagi, and the voting process was going on. At that time, the Managing Director, Sanjay Kumar of Co-operative Sugar Factory Bhusnoor and Election Officer Pramod Karnam having colluded intentionally to make benefit to the congress party supported panel have prepared incorrect ballot papers and have handed over the said incorrect ballot papers to their voters and the same was noticed by their supporters Basavaraj Patil Bhusnoor, Veerbhadra S/o: Sadashiv Kambar, Shantappa Sadashiv Kambar, residents of Bhusnoor have told him about the same and at about 12.30 p.m., he has questioned the same to the Co-operative Sugar Factory M.D., Sanjay Kumar and at that time the Election Officer Pramod Karnm intervened and abused in a filthy language and also assaulted him and

threatened of his life. Further, it is alleged that the same was noticed by voters who were come for voting. The authorized voter list of Co-operative Sugar Factory Elections is also in favour of Congress Party and the names of the voters who were in favour of BJP Party, were not in the authorized voter list. Therefore, he has questioned the same and for that also, they abused and assaulted. During the same time, the opponents Congress party supporting candidates and their supporters came to assault him and therefore he run away from the spot to save his life. He came outside the premises by taking protection of BJP party supporters and if he was there itself, he should have been killed. Therefore, the same issue has been discussed with BJP supporters and having discussed the same, lodged this complaint belatedly. Therefore, requested to take against Election Officer Pramod Karnam and S.S.K.N., M. D. SanjayKumar. On the basis of the said complaint, the respondent police have registered the case on 08.12.2025 against the petitioners. Being aggrieved by the registration of the case, the

petitioners have challenged the correctness, legality, and propriety of the same.

3. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent No.1 - State.

4. The learned counsel appearing on behalf of the petitioners would submit that the petitioners are innocent persons, they have not committed any offence much less as alleged in the complaint. The complainant with an ulterior motive has filed a false case to harass the petitioners. The petitioner No.1 is a Co-operative Development Officer in the ARCS Office, Kalaburagi and he was appointed as Returning Officer by the Co-operative Election Authority, Bengaluru, for conducting elections to Sahakari Sakkare Karkhane Niyamita, Bhusnoor (S.S.K.N) Taluka Aland and petitioner No.2 is working as Assistant Register in the Co-operative Societies, Kalaburagi, and he is also Managing Director of S.S.K.N., Bhusnoor. The petitioner No.1 has lodged a complaint on 03.12.2025 against 50 persons for having assaulting and obstructing

in conducting smooth election to the SSKN Bhusnoor by destroying ballot papers and ballot boxes before the Sub-Urban Rural Police, Kalaburagi, stating that as per the Executive Council proceedings dated 06.09.2025, the place of elections was decided at Vishwaradhya Kalyan Mantap Aland Road, Kalaburagi, on 16.11.2025 and calendar of events were issued. After withdrawal of the nomination, 28 candidates were remained in election, contesting list for electing 14 candidates as per by law and the date was fixed for the election on 03.12.2025. On 03.12.2025 at about 09.00 a.m. the voting is commenced in six polling booths and at about 12.30 p.m. there was disturbance in polling booth No.1 and petitioner No.1 being the Election Officer to know the disturbance in polling booth No.1 proceeded along with Managing Director of the factory i.e. petitioner No.2 and thereby noticed about 50 persons have started disturbance by assaulting the petitioners and their staff who were on duty of election and have stopped the election process and forcibly took the ballot papers, torned and thrown them and have also tried to remove the seal of the ballot box.

After the said disturbance was started by them in all the polling booths they have assaulted to a person who were in official duty for conducting elections and have obstructed for conducting smooth elections by destroying ballot papers and ballot boxes and have also assaulted the public servants who are on duty. Therefore, requested to take action against them. On the basis of the said complaint lodged by petitioner No.1 against 50 persons who have assaulted and destroyed the election process, the respondent No.1 police have registered the case in Crime No.342/2025 for the offences punishable under Sections 115(2), 132, 191(2), 189(2), 190, 351(1), 352 of BNS 2023 and Section 39K of Karnataka Cooperative Societies Act, 1959. Therefore, the complainant in this case being amongst the 50 persons who have committed the offence of assault and destroying the election process. To counterblast the case registered by the petitioner No.1, has lodged a false complaint by creating a false story against the petitioners after 5 days of lodging of the complaint by the petitioner No.1. Therefore, the proceedings initiated against the petitioners is nothing but

abuse of process of law. Further, he would submit that the complainant with the malafide intention to harass the petitioners, after being registered a case against them have lodged this complaint in a belated after five days without properly explaining the delay. Therefore, the initiation of the proceedings against the petitioners deserves to be quashed. Further, he would submit that petitioners have been involved in the above case only on the basis of omnibus allegations made against the petitioners and therefore continuation of the proceedings against the petitioners will nothing but abuse of process of law and absolutely there are no materials to constitute alleged commission of offences. On all these grounds, sought for allowing of the petition.

5. Per contra, learned High Court Government Pleader appearing for respondent No.1-State opposed to the petition.

6. On the basis of the complaint filed by Ashok, the Sub-Urban Police have registered the case in Crime No.345/2025 against accused Nos.1 and 2 i.e., present

petitioners for the commission of offence under Sections 201, 351(2), 352 r/w 3(5) of BNS 2023 and submitted the FIR to the Court. In the complaint, it is stated as under:

“ವಿಷಯ:- ದೋಷಪೂರಿತ ಮತಪತ್ರಗಳನ್ನು ಮತದಾರರಿಗೆ ಹಂಚಿಟ್ಟು ಅಲ್ಲದ ಅದನ್ನು ಕೀಳುವದಕ್ಕೆ ಹೋದರೆ ಅವಾಚ್ಯವಾಗಿ ಬೈದು ಜೀವದ ಭಯ ಬೆದರಿಕೆ ಹಾಕಿರುವ ಚುನಾವಣಾ ಅಧಿಕಾರಿಯವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರಗಿಸುವ ಕುರಿತು.

ಈ ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯರವರಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳುವದೇನೆಂದರೆ ನಾನು ಅಶೋಕ ತಂದೆ ಮೊಗಲಯ್ಯ ಗುತ್ತೇದಾರ ವಯಸ್ಸು 60, ಜಾ: ಇಡಿಗ ಉ: ಸಮಾಜ ಸೇವೆ ಹಾಗೂ ವ್ಯಾಪಾರ ಸಾ: ಭೂಸನೂರ ಗ್ರಾಮ ತಾ: ಆಳಂದ ಜಿ: ಕಲಬುರಗಿ ನಿವಾಸಿತನಿದ್ದು ನಾನು ಸಹಕಾರಿ ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆ ನಿಯಮಿತ ಭೂಸನೂರ ಆಡಳಿತ ಮಂಡಳಿಯ ನಿರ್ದೇಶಕರ ಚುನಾವಣೆಯ ಅಭ್ಯರ್ಥಿಯಾಗಿದ್ದು, ದಿನಾಂಕ 3ನೇ ಡಿಸೆಂಬರ್ 2025 ರಂದು ಕಲಬುರಗಿ ಪಟ್ಟಣದ ವಿಶ್ವರಾಧ್ಯ ದೇವಸ್ಥಾನದ ಆವರಣದಲ್ಲಿ ಮತದಾನ ನಡೆಯುತ್ತಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಸಹಕಾರಿ ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆ ಭೂಸನೂರ ಇದರ ಎಂ.ಡಿ.ಆಗಿರುವ ಸಂಜಯ್ ಕಪೂರ್ ಹಾಗೂ ಚುನಾವಣೆ ಅಧಿಕಾರಿಯವರಾದ ಪ್ರಮೋದ್ ಕಣರ್ಂ ರವರು ಕೂಡಿಕೊಂಡು ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಬೆಂಬಲಿತ ಪೆನಲ್‌ಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡುವ ಉದ್ದೇಶದಿಂದ ದೋಷಪೂರಿತ ಮತಪತ್ರಗಳನ್ನು ತಯಾರಿಸಿ ನಮ್ಮ ಮತದಾರರಿಗೆ ಆ ದೋಷಪೂರಿತ ಮತ ಪತ್ರಗಳನ್ನು ಸರಬರಾಜು ಮಾಡಿರುವದನ್ನು ಕಣ್ಣಾರೆ ಕಂಡ ನಮ್ಮ ಬೆಂಬಲಿಗರಾದ ಬಸವರಾಜ ಪಾಟೀಲ ಭೂಸನೂರ, ವೀರಭದ್ರ ತಂದೆ ಸದಾಶಿವ ಕಂಬಾರ, ಶಾಂತಪ್ಪ ತಂದೆ ಸದಾಶಿವ ಕಂಬಾರ ಸಾ: ಭೂಸನೂರ ಇವರು ಬಂದು ನನಗೆ ಹೇಳಿದಾಗ ನಾನು ಮಧ್ಯಾಹ್ನ 12.30 ಗಂಟೆಯ ಸುಮಾರಿಗೆ ನಮ್ಮ ಸಹಕಾರಿ ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆ ಎಂ.ಡಿ. ಸಂಜಯ್ ಕಪೂರ್ ಇವರನ್ನು ಪ್ರಶ್ನಿಸಿದಾಗ ಚುನಾವಣೆ ಅಧಿಕಾರಿಯವರಾದ ಪ್ರಮೋದ್ ಕಣರ್ಂ ಮಧ್ಯ

ಪ್ರವೇಶಿಸಿ "ಏನಲೇ ನೀನೇನು ಕೇಳಿತ್ತಿ, ಸೂಳೆ ಮಗನೆ ಅಂತ ಅವಾಚ್ಯವಾಗಿ ಬೈದಿರುತ್ತಾರೆ. ಅಲ್ಲದೆ ನೀ ದೊಡ್ಡ ಮನುಷ್ಯ ಇದ್ದಿ ಏನು ನನಗೆ ಕೇಳಲು ಬರುತ್ತಿಯಾ ಎಂದು ಏರು ಧ್ವನಿಯಲ್ಲಿ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈಯುತ್ತಾ ನನ್ನ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡುತ್ತಿರುವಾಗ ನಾನು ತಪ್ಪಿಸಿಕೊಂಡಿದ್ದು ಆಗ ಅವರು ಮಗನೆ ನಿನಗೆ ಜೀವ ಹೊಡೆಯುತ್ತೇನೆ. ಅಲ್ಲದೆ ನಿನ್ನನು ಪೀಸ್ ಪೀಸ್ ಮಾಡಿ ಹಾಕುತ್ತೇನೆ, ನಾನು ಸರಕಾರಿ ನೌಕರ ಅದೀನಿ, ನಾ ಅಂದರೆ ನೀನೇನು ತಿಳಿದಿದ್ದಿ ಎಂದು ಹಲ್ಲೆ ಮಾಡಿರುತ್ತಾನೆ. ಇದನ್ನು ಮತ ಚಲಾವಣೆಗೆ ಬಂದಿರುವ ಮತದಾರರು ಅದನ್ನು ಗಮನಿಸಿರುತ್ತಾರೆ. ನಮ್ಮ ಸಹಕಾರಿ ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆ ಚುನಾವಣೆಯ ಅಧಿಕೃತ ಮತದಾರರ ಪಟ್ಟಿಯು ಕೂಡ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಪರವಾಗಿ ಇರುವಂತೆ ಮತ್ತು ಬಿಜೆಪಿ ಪಕ್ಷದ ಪರ ಇರುವಂತಹ ಮತದಾರರ ಹೆಸರನ್ನು ಅಧಿಕೃತ ಮತದಾರರ ಪಟ್ಟಿಯಲ್ಲಿ ಇರದೇ ಇರುವುದು ಕೇಳಿದಾಗ "ಏ ಇದೇ ತರಹ ನಾನು ಚುನಾವಣೆ ಮಾಡುತ್ತೇನೆ. ನೀನೇನು ಮಾಡಿಕೊಳ್ಳುತ್ತಿ ಮಾಡಿಕೋ ಹೋಗು ಬೋಸಡಿ ಮಗನೆ, ಎಂದು ಅವಾಚ್ಯ ಪದಗಳಿಂದ ಬೈದು ಕೈಯಿಂದ ಹೊಡೆ, ಬಡೆ ಮಾಡುತ್ತಿರುವಾಗ ನಮ್ಮ ವಿರುದ್ಧ ಪಕ್ಷವಾದ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷ ಬೆಂಬಲಿತ ಅಭ್ಯರ್ಥಿಗಳು ಮತ್ತು ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷ ಬೆಂಬಲಿತ ಪೆನೆಲ್ ಪರ ಇದ್ದ ನೂರಾರು ಜನರು ಸೇರಿ ನಮಗೆ ಹೊಡೆಯಲು ಬಂದಾಗ ನಾನು ನನ್ನ ಜೀವ ಉಳಿಸಿಕೊಳ್ಳಲು ಜೀವಭಯದಿಂದ ಹೊರಗಡೆ ಓಡಿ - ಹೋಗಿರುತ್ತೇನೆ: ಕಾದ ಬಿಜೆಪಿ ಪಕ್ಷ ಬೆಂಬಲಿಗರಿಂದ ರಕ್ಷಣೆ ಪಡೆದೆ ನಾನು ಹೊರಗಡೆ ಬಂದಿರುತ್ತೇನೆ. ಒಂದು ವೇಳೆ ನಾನು ಅಲ್ಲೆ ಇದ್ದರೆ ನನ್ನ ಖಲಾಸ ಮಾಡೆ ಬಿಡುತ್ತಿದರು. ಈ ವಿಷಯವನ್ನು ನಮ್ಮ ಬಿಜೆಪಿ ಬೆಂಬಲಗರ ಜೊತೆ ಮಾತನಾಡಿಕೊಂಡು ಮತ್ತು ಚರ್ಚೆ ಮಾಡಿಕೊಂಡು ತಡವಾಗಿ ಬಂದು ದೂರು ನೀಡುತ್ತಿದೆನೆ.

ಕಾರಣ ದಯಾಳುಗಳಾದ ತಾವು ನಾನು ಹೇಳಿದ ಚುನಾವಣಾಧಿಕಾರಿ ಪ್ರಮೋದ ಕರ್ಣಂ, ಎಸ್.ಎಸ್.ಕೆ.ಎನ್. ಹಾಗೂ ಎಂ.ಡಿ. ಸಂಜಯಕುಮಾರ ಇವರ ಮೇಲೆ ಕಾನೂನು ಪ್ರಕಾರ ಸೂಕ್ತ ಕ್ರಮ ಕೈಕೊಳ್ಳಲು ಮಾನ್ಯರವರಲ್ಲಿ ವಿನಂತಿ."

7. Prior to this complaint, Sri Pramod Karnam, who is petitioner No.1 has lodged the complaint to the police. On the basis of that complaint, the Sub-Urban Police have registered the case on 03.12.2025 in Crime No.342/2025 against 50 unknown persons, voters for the commission of offence under Sections, 155(2), 132, 191(2), 189(2), 190, 351(1), 352 of the Bharatiya Nyaya Sanhita, 2023 and Section 39K of Karnataka Cooperative Societies Act, 1959 and submitted the FIR to the Court on 04.12.2025.

8. On perusal of the materials placed before this Court, it is crystal clear that after registration of the case in Crime No.342/2025 against 50 unknown persons, the complainant in Crime No.345/202 had lodged the complaint against the present petitioners for the commission of offence under Sections 201, 351(2), 352 r/w 3(5) of BNS 2023 and there is 5 days delay in filing this complaint. In the complaint, the complainant has explained with regard to the delay in lodging the complaint. Whether, this complaint filed by the

complainant is genuine or not has to be examined by the Investigating Officer. Before conducting investigation, only on the basis of the ground urged by the learned counsel for the petitioner, at this stage, it is not just and proper to form an opinion that the complainant has foisted a false case against the petitioners. Therefore, on this ground, the proceedings initiated by the concerned police cannot be quashed at this stage and the registration of the case against the present petitioners cannot be considered as abuse of process of law. Viewed from any angle, I do not find any grounds to quash the proceedings. Hence, I proceed to pass the following:

ORDER

The Criminal Petition is ***dismissed***.

**Sd/-
(G BASAVARAJA)
JUDGE**

msr