



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201217 OF 2025

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

BETWEEN:

SHANKARAGOUDA
S/O MALKENDRAGOUDA BALAGANOR
AGE: 60 YEARS, OCC: BUSINESS
R/O SANTE BAZAR, HUTTI TOWN
TQ: LINGASGURU
DIST: RAICHUR-584115

...PETITIONER

(BY SRI. SHIVANAND V. PATTANSHETTI., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH HUTTI POLICE STATION
TQ: LINGASUGUR
DIST: RAICHUR-584115
REPTD BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH 585107

...RESPONDENT

(BY SRI.VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P IS FILED U/SEC. 482 OF CR.P.C (OLD),
U/SEC. 528 OF BNSS (NEW) PRAYING TO QUASH THE
IMPUGNED ORDER OF TAKING COGNIZANCE AND ISSUE OF
PROCESS DATED: 30.08.2022 PASSED IN C.C. NO.1586/2022
(HUTTI PS CRIME NO.145/2022 DISTRICT RAICHUR) PENDING
ON THE FILE OF ADDL. CJ AND JMFC, LINGASUGUR, FOR THE
OFFENCES PUNISHABLE U/SEC.78 (III) OF THE KARNATAKA
POLICE ACT, DISTRICT RAICHUR.





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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to quash the proceedings
against petitioner/accused No.2 in C.C.No.1586/2022,
arising out of Crime No.145/2022, registered by Hutti
Police, Raichur, for the offence punishable under Section
78(iii) of Karnataka Police Act, 1963 (for brevity "K.P.
Act"), pending on the file of Addl. Civil Judge and JMFC,
Lingasugur.

2. The factual matrix of the case is, on 26.07.2022
at about 06:00 p.m., one Ramalingappa i.e., Police Sub-
Inspector of respondent-Police received credible
information that near old bus stop, Hutti City, some
unknown persons involved in playing Matka. Upon such
information, along with panchas and the staff, he rushed
to the spot. At that time, he came to know that in the said
spot one person was sitting and receiving amount from the



public by playing matka and by offering Rs.80/- for Rs.1/- and also he was noting down the Matka chit number in a note book. Accordingly, respondent-Police arrested Adappa-accused No.1 and seized Rs.740/- cash, one pen and one matka chit, by drawing a panchanama. On enquiry, accused No.1 allegedly stated that he collected the amount to hand over the same to the petitioner, since the petitioner is conducting the said matka. Accordingly, FIR came to be registered against accused No.1 and the petitioner. Subsequently, respondent-Police laid charge sheet against the petitioner and another by arraying the petitioner as accused No.2 and learned Magistrate took cognizance of the offence. Aggrieved by the same, the petitioner/accused No.2 preferred this petition.

3. Heard learned counsel for the petitioner and learned High Court Government Pleader for the respondent-State.



4. Learned counsel for the petitioner reiterated the grounds urged in the petition and prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader opposed the prayer and seeks to dismiss the petition.

6. On perusal of the charge sheet materials, the same would go to show that except voluntary statement of accused No.1, absolutely there are no other materials collected by the Investigating Officer during the course of investigation to connect the petitioner in the alleged crime. Now it is well settled that, based on the voluntary statement of co-accused, the other accused cannot be implicated in the crime without any corroborative piece of evidence.

7. Learned High Court Government Pleader on instructions and on perusal of the entire charge sheet materials fairly submits that except voluntary statement of



accused No.1, no other materials are placed in the charge sheet to implicate the petitioner/accused No.2 in the alleged crime. In such circumstance, I am of the considered view that continuation of criminal proceedings against the petitioner/accused No.2 is abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against petitioner/accused No.2 in C.C.No.1586/2022, arising out of Crime No.145/2022, registered by Hutti Police, Raichur, for the offence punishable under Section 78(iii) of Karnataka Police Act, 1963, pending on the file of Addl. Civil Judge and JMFC, Lingasugur, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 43
CT-BH