



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 201219 OF 2025

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

BETWEEN:

SHANKARAGOUDA
S/O MALKENDRAGOUDA BALAGANOOR,
AGE: 61 YEARS, OCC: BUSINESS,
R/O HUTTI TOWN, TQ. LINGASUGUR,
DIST. RAICHUR-584115.

...PETITIONER

(BY SRI. SHIVANAND V. PATTANSHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH BALAGANUR POLICE STATION,
TQ. SINDHANUR,
DIST. RAICHUR-584115,
R/BY ADDL. SPP.,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH- 585107.

...RESPONDENT

(BY SRI MALLIKARJUN SAHUKAR, AGA)

THIS CRL.P IS FILED UNDER SECTION 528 OF BNSS (NEW), U/S.482 OF CR.P.C. (OLD) PRAYING TO QUASH THE ORDER OF TAKING COGNIZANCE AND ISSUE OF PROCESS DATED 23.09.2022 IN C.C NO.107/2022 (CC NO.5031/2022) (BALAGANUR PS CRIME NO.86/2022 DISTRICT RAICHUR) PENDING ON THE FILE OF THE FILE OF ADDL. CJ & JMFC,

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by SACHIN
Location: HIGH
COURT OF
KARNATAKA



SINDHANUR, DISTRICT RAICHUR FOR THE OFFENCES PUNISHABLE UNDER SECTION 78(III) OF THE KARNATAKA POLICE ACT.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

Accused No.2 is before this Court in this criminal petition filed under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to quash the entire proceedings in C.C.No.107/2022 (old CC No.5031/2022) pending before the court of the Additional Civil Judge and JMFC, Sindhanur, arising out of Crime No.86/2022 registered by Balaganoor Police, Raichur for the offence punishable under Section 78(3) of the Karnataka Police Act, 1963.

2. Heard the learned counsel for the petitioner and learned Additional Government Advocate on behalf of respondent.



3. Learned counsel for the petitioner submits that the impugned proceedings has been quashed as against accused No.1 by this Court in Crl.P.No.200818/2024 vide order dated 11.07.2024. For the reasons stated in the said order, the present petition may be allowed.

4. Learned Additional Government Advocate does not dispute the said submission.

5. This Court in Crl.P.No.200818/2024 disposed of on 11.07.2024 has quashed the impugned criminal proceedings as against accused No.1 and in paragraph Nos.5 to 7 of the said order, it is observed as follows :-

"5. The material on record would go to show that the FIR in Crime No.86/2022 was registered by Balaganoor Police Station, Raichur for the offence punishable under Section 78(3) of the K.P.Act against Raghavendra and another. The petitioner is arrayed as accused No.1 in the said case. Perusal of the first information would go to show that the raid was conducted to the alleged spot of crime and the accused were apprehended and articles used for committing the crime were seized under a panchanama and thereafter, the FIR has been registered. Therefore, part of the investigation had commenced at the time of registration of FIR. The material on record would also go to show that the order sheet maintained by the Trial Court does not



reflect the order passed under Section 155(2) of Cr.P.C. by the jurisdictional Magistrate.

6. *The Coordinate Bench of this Court in the case of **Vaggeppa Gurulinga Jangaligi (Jangaligi) vs. The State Of Karnataka** reported in **ILR 2020 Kar 630** has observed that in a case registered for non cognizable offence, compliance of Section 155(2) of Cr.P.C is mandatory. In the said case, it is held by the Coordinate Bench of this Court that any permission granted by the jurisdictional Magistrate under Section 155(2) of Cr.P.C. shall be in the order sheet maintained by the said Court in the said case and further proceedings in the said case is required to be continued in the very same order sheet.*
7. *Under the circumstances, it cannot be said that there is compliance of Section 155(2) of Cr.P.C. in the present case. Therefore, I am of the considered opinion that continuation of impugned criminal proceedings as against the petitioner would amount to abuse of process of law. Accordingly, the following order is passed:*

ORDER

- a. *The criminal petition is allowed.*
- b. *The entire proceedings in C.C.No.107/2022 (Old C.C.No.5031/2022) pending before the Court of Civil Judge and JMFC, Maski, Raichur district arising out of Crime No.86/2022 of Balaganoor Police Station, Raichur registered for the offence punishable under Sections 78(3) of K.P.Act as against the petitioner stands quashed.*
- c. *In view of disposal of petition, pending application, if any, does not survive for consideration. Accordingly, the same is disposed of."*



6. The reasoning assigned by this Court in Crl.P.No.200818/2024 for quashing the impugned criminal proceedings as against accused No.1 is squarely applicable to the case of the petitioner. Accordingly, the following order :

- i) The criminal petition is allowed.
- ii) The entire proceedings in C.C.No.107/2022 (old C.C.No.5031/2022) pending before the Court of Additional Civil Judge and JMFC, Sindhanur, Raichur district arising out of Crime No.86/2022, registered by Balaganoor Police Station, Raichur district, for offence punishable under Section 78(3) of the Karnataka Police Act, 1963, as against the petitioner/accused No.2 stands quashed.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE