



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 201477 OF 2025
(482(Cr.PC)/528(BNSS))**

BETWEEN:

SRI. SURESH @ SURI
S/O BHIMESHAPPA
AGE: MAJOR, OCC: BUSINESS
R/O KOTA CROSS
OPPO: PAIBAVAN, HUTTI
TQ: LINGASUGUR, DIST: RAICHUR-584115

...PETITIONER

(BY SRI. ARUNKUMAR AMARGUNDAPPA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH HUTTI POLICE STATION
REPT. BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DIST: KALABURAGI-585103

2. PRAKASH MALI P T
OCC: POLICE INSPECTOR
HUTTI POLICE STATION,
TQ: LINGASUGUR
DIST: RAICHUR-584124

...RESPONDENTS

(BY SRI. JAMADAR SHAHABUDDIN, HCGP FOR R1;
R2 SERVED)





THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND FURTHER QUASH PROCEEDINGS IN C.C.NO.19/2022, PENDING ON THE FILE OF ADDL. CIVIL JUDGE AND JMFC, LINGASUGUR, REGISTERED ON THE CHARGE SHEET FILED BY THE RESPONDENT NO.1 CRIME NO.150/2021 HUTTI POLICE STATION, BASED ON THE COMPLAINT FILED BY THE RESPONDENT NO.2, FOR THE COMMISSION OF ALLEGED OFFENCES PUNISHABLE U/SEC.78(III) OF KARNATAKA POLICE ACT-1963.

THIS PETITION, COMING ON FOR ORDERS, 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.19/2022, arising out of Crime No.150/2021 of 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 17.12.2021 at about 02:00 p.m. respondent No.2-Police Inspector of respondent No.1-Police received credible information that



near Kota Cross at 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 No.2-Police Inspector arrested Adappa-accused No.1 and seized Rs.1,130/- cash, one pen and matka chit, by drawing a panchanama. On enquiry, he 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 No.1-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.19/2022, arising out of Crime No.150/2021 of 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