NC: 2025:KHC-K:962
CRL.P No. 200188 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 11TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200188 OF 2025

BETWEEN:

URAMUNDAL SHEKARGOUDA
S/O PAMPANGOUDA,
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O. POTHNAL, TQ. MANVI,
DIST. RAICHUR.

...PETITIONER

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585102,
(THROUGH KOWTHAL PS,
DIST. RAICHUR)-584101.

...RESPONDENT

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 OF CR.P.C.(OLD), U/S 528 OF BNSS (NEW) PRAYING TO QUASH THE PROCEEDINGS IN CC NO.933/2024 (CRIME NO.78/2024) REGISTERED BY RESPONDENT POLICE/KOWTHAL P.S FOR THE OFFENCE PUNISHABLE U/SEC. 78(3) OF KARNATAKA POLICE ACT, PENDING ON THE FILE OF LEARNED CIVIL JUDGE AND JMFC MANVI, INSOFAR AS PETITIONER IS CONCERNED.

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

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

Accused No.2 is before this Court under Section 528 of Bharatiya Nagarika Suraksha Sanhita, 2023, with a prayer to quash the entire criminal proceeding in C.C.No.933/2024 pending before the Court of Civil Judge and JMFC, Manvi, arising out of Crime No.78/2024 registered by Kowthal Police Station, Raichur district, for the offence punishable under Section 78(3) of Karnataka Police Act, 1963.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner submits that, the FIR has been registered in the present case for non-cognizable offence. There is no compliance of Section 155(2) of Cr.P.C. The petitioner is arrayed as accused only

on the basis of the confession statement of a co-accused. Accordingly, he prays to allow the petition.

4. Per contra, learned HCGP who has opposed the petition, does not dispute the submission made by the learned counsel for the petitioner.

5. It is not in dispute that, the FIR in the present case has been registered for the non-cognizable offence. Therefore, compliance of Section 155(2) of the Cr.P.C., becomes mandatory. Perusal of the order-sheet of the trial Court in the impugned criminal proceeding would reveal that, there is no mention of any order passed under Section 155(2) of Cr.P.C. and such an order does not find place in the order-sheet of the trial Court, which is a requirement as held by the co-ordinate Bench of this Court in case of ***Vaggeppa Gurulinga Jangaligi v. The State of Karnataka,*** in ***Crl.P.No.101997/2019*** dated 10.12.2019. In addition to the same, the material on record would go to show that, solely based on the confession statement of accused No.1, the petitioner is

arrayed as accused in the present case. Under the circumstances, I am of the opinion that, the impugned criminal proceeding, if allowed to be continued, it would amount to abuse of process of law. Accordingly, the following order:

ORDER

(i) The criminal petition is allowed;

(ii) The entire criminal proceeding in C.C.No.933/2024 pending before the Court of Civil Judge and JMFC, Manvi, arising out of Crime No.78/2024 registered by Kowthal Police Station, Raichur district, for the offence punishable under Section 78(3) of Karnataka Police Act, 1963, is quashed as against the petitioner herein.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 1 Sl No.: 37
CT:PK