



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200201 OF 2025

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

BETWEEN:

VIRUPAKSHAGOUDA @ SHEKARGOUDA
S/O PAMPANGOUDA,
AGE: 30 YEARS, OCC: AGRICULTURE,
R/O. KARURU VILLAGE, TQ. SIRUGUPPA,
DIST. RAICHUR-584129.

...PETITIONER

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
REPRESENTED BY ADDL. SPP,
SPP HIGH COURT OF KARNATAKA,
KALABURAGI BENCH,
(THROUGH KAVITAL P.S.,
DIST. RAICHUR)

...RESPONDENT

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

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.38/2024 (CRIME NO.129/2023) REGISTERED BY
RESPONDENT POLICE/KAVITAL P.S FOR THE OFFENCE
PUNISHABLE U/SEC. 78(3) OF KARNATAKA POLICE ACT,

Digitally signed
by SHIVAKUMAR
HIREMATH
Location: HIGH
COURT OF
KARNATAKA



PENDING ON THE FILE OF LEARNED CIVIL JUDGE AND JMFC MANVI, INSOFAR AS PETITIONER IS CONCERNED.

THIS PETITION COMING ON FOR ORDERS, 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 BNSS, 2023, with a prayer to quash the entire proceedings in C.C.No.38/2024, pending before the Court of Civil Judge and JMFC, Manvi, arising out of Crime No.129/2023, registered by Kowthal Police Station, Raichur, for the offence punishable under Section 78(3) of Karnataka Police Act, 1963.

2. Heard learned counsel for the parties.

3. Learned counsel for the petitioner submits that there is no compliance of Section 155(2) of Cr.P.C. in the present case and charge sheet has been filed for non



cognizable offence. Accordingly, he prays to allow the petition.

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

5. Perusal of the first information in the present case would go to show that the first informant had conducted a raid and had apprehended the person, who was conducting matka and from his possession, a sum of Rs.1,080/- was seized and certain articles, which were used by him for conducting matka were also seized. The seized articles and cash were all subjected to panchanama and thereafter, FIR was registered in the present case. Therefore, it is apparent that portion of the investigation has been conducted in the present case even before registration of the FIR. In addition to the same, material on record would go to show that learned Magistrate has not passed any order under Section 155(2) of Cr.P.C. in the order sheet that is maintained by the Trial Court in the



impugned criminal proceedings. Under the circumstances, in view of the law laid down by the Coordinate Bench of this Court in the case of ***Vaggeppa Gurulinga Jangaligi (Jangalagi) Vs. The State of Karnataka, through PSI, Kagwad Police Station, Belagavi¹***, it cannot be said that there is compliance of Section 155(2) of the Cr.P.C., in the present case.

6. Therefore, I am of the opinion that the proceedings impugned in this petition cannot be sustained. Accordingly, following order is passed:

ORDER

- (i) The criminal petition is allowed;
- (ii) The entire criminal proceedings in C.C.No.38/2024, pending before the Court of Civil Judge and JMFC, Manvi, arising out of Crime No.129/2023, registered by Kowthal Police Station, Raichur, for the offence

¹ ILR 2020 Kar. 630



punishable under Section 78(3) of Karnataka Police Act, 1963, as against the petitioner/accused No.2, is quashed.

(iii) In view of disposal of main petition, pending application, if any, stands disposed off.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 1 SI No.: 7
CT:PK