



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 20TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200321 OF 2025

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

BETWEEN:

SHANKARA GOUDA
S/O MALLIKENDRA GOUDA BALAGANOOR,
AGE: 56 YEARS, OCC: BUSINESSMAN,
R/O. HUTTI TOWN, TQ. LINGASUGUR,
DIST. RAICHUR – 584115.

...PETITIONER

(BY SRI SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH HUTTI POLICE STATION,
TQ.LINGASUGUR,
DIST.RAICHUR – 584115,
R/BY ADDL. SPP HIGH COURT OF KARNATAKA,
KALABURAGI BENCH – 585107

...RESPONDENT

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C.(OLD) U/SEC 528 OF BNSS, PRAYING TO, QUASH THE ORDER OF TAKING COGNIZANCE AND ISSUE OF PROCESS DATED 21.12.2024 IN C.C NO. 1175/2024 (HUTTI PS CRIME NO. 269/2024 DISTRICT RAICHUR) FOR THE OFFENCES PUNISHABLE U/SEC 78 (III) OF THE KARNATAKA POLICE ACT PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC COURT, LINGASUGUR, DISTRICT RAICHUR.

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by SHIVAKUMAR
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Location: HIGH
COURT OF
KARNATAKA



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 Nyaya Suraksha Sanhita, 2023, with a prayer to quash the entire proceedings in C.C.No.1175/2024, pending before the Court of Senior Civil Judge and JMFC, Lingasugur, Raichur district, arising out of Crime No.269/2024, registered by Hutti Police Station, Raichur district, for offence punishable under Section 78(iii) of the Karnataka Police Act, 1963.

2. Heard learned Counsel for the petitioner and learned High Court Government Pleader for the respondent – State.

3. Learned Counsel for the petitioner submits that except the confession statement of accused No.1, there is absolutely no other material to connect the petitioner to



the alleged crime. Accordingly, he prays to allow the petition.

4. Per contra, learned High Court Government Pleader, who has opposed the petition, submits that statement of other witnesses would also go to show that petitioner was collecting matka money from accused No.1. Accordingly, he prays to dismiss the petition.

5. Perusal of the material on record would go to show that on receipt of credible information on 03.12.2024, raid was conducted to the alleged spot, where illegal activity of matka was being carried. From the alleged spot, accused No.1 was apprehended and from his possession, cash of Rs.1,240/-, matka paper and one ball pen was recovered. Accused No.1 on enquiry allegedly informed the police officer that the amount, which he had collected was being paid by him to accused No.2. It is in this background, FIR has been registered against the petitioner. After completion of the investigation, charge sheet has been filed against two persons and the



petitioner herein is arrayed accused No.2 in the charge sheet.

6. Perusal of the charge sheet material also would go to show that except the confession statement of accused No.1, there is absolutely no other material collected by the Investigation Officer during the course of investigation to connect the petitioner to the alleged crime. No corroborative material in support of the allegation made pursuant to the confession statement allegedly given by accuse No.1 has been collected by the prosecution in the present case. Even the other witnesses, whose statement have been recorded in the present case have only stated that they have heard accused No.1 stating that the amount collected by him was being handed over to accused No.2.

7. Under the circumstances, I am of the opinion that continuation of the impugned criminal proceedings as against the petitioner would amount to abuse of process of law. Accordingly, the following order:



ORDER

- a. The criminal petition is allowed.
- b. The entire proceedings in C.C.No.1175/2024, pending before the Court of Senior Civil Judge and JMFC, Lingasugur, Raichur district arising out of Crime No.269/2024, registered by Hutti Police Station, Raichur district, for offence punishable under Section 78(iii) of the Karnataka Police Act, 1963, as against the petitioner/accused No.2 stands quashed.

**Sd/-
(S.VISHWAJITH SHETTY)
JUDGE**

TMP
List No.: 1 Sl No.: 57
CT:PK