IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 201314 OF 2024

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

BETWEEN:

1. SRI APPASAHEB S/O MAHADEV SHETGAR,
   AGED ABOUT 70 YEARS, OCC: BUSINESS,
   R/O. MURANKERI BAGALKOT ROAD,
   VIJAYAPUR-586101.

2. SRI ANAND S/O GURAPPA BUDIHAL,
   AGED ABOUT 34 YEARS, OCC: AGRICULTURE,
   R/O. VIVEK NAGAR WEST, MANAGULI ROAD,
   VIJAYAPUR-586101.

3. SRI MONAPPA S/O SAYBANNA SAGAR,
   AGED ABOUT 42 YEARS, OCC: AGRICULTURE,
   R/O. GYANGBOUDI, VIJAYAPURA-586101.

4. SRI RAJASHEKHAR @ RAJENDRA
   S/O DUNDAPPA SHETAGAR,
   AGED ABOUT 51 YEARS, OCC: BUSINESS,
   R/O. BHAVASAR NAGAR, VIJAYAPUR-586101.

5. SRI SHIVANAND S/O SUBHASH KALABURGI,
   AGED ABOUT 34 YEARS, OCC: COOLIE,
   R/O. GOUDAR ONI, VIJAYAPUR-586101.

6. SRI VITHAL S/O HANAMANTHAPPA ROLLI,
   AGED ABOUT 47 YEARS, OCC: SERVICE,
   R/O. SAI PARK, VIJAYAUR-586101.

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

7. SRI MUTTAPPA JANGAMSHETTY
AGE: MAJOR, OCC: SERVICE,
R/O. POLICE QUARTERS, STATION ROAD,
VIJAYAURA-586101.

…PETITIONERS

(BY SRI. S. S. MAMADAPUR, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH PSI JALNAGAR POLICE STATION,
VIJAYAPUR,
REP BY ITS ADDL. STATE PUBLIC PROSECUTOR,
ADVOCATE GENERAL'S OFFICE,
HIGH COURT BUILDING, KALABURAGI-585107.

…RESPONDENT

(BY SMT. MAYA T.R., HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE FIR IN CRIME NO. 64/2023 JALNAGAR P.S. REGISTERED THE RESPONDENT POLICE FOR THE OFFENCES PUNISHABLE UNDER SECTION 79 AND 80 OF THE KARNATAKA POLICE (AMENDMENT ACT) 2021 PENDING ON THE FILE OF III ADDL. SENIOR CIVIL JUDGE AND JMFC VIJAYPUR.

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)

Learned High Court Government Pleader accepts notice for respondent-State.

2. Accused Nos.2, 4, 6, 8, 9, 12 and 14 are before this Court under Section 482 of Cr.P.C., with a prayer to quash the entire proceeding in Crime No.64/2023, registered by Jalanagar Police Station, Vijayapura, for the offences punishable under Sections 79 and 80 of Karnataka Police (Amendment) Act, 2021.

3. Learned counsel for the petitioners submits that, this Court has quashed the impugned criminal proceedings insofar as it relates to accused No.10 and accused No.13 in Criminal Petition No.200054/2024 and Criminal Petition No.200635/2024. Accordingly, he prays to allow the petition.

4. Per contra, learned HCGP does not dispute the said submission.

5. In Criminal Petition No.200054/2024 filed by accused No.10, this Court in paragraph No.6, has observed as follows:

> *"6. The validity of Karnataka Police (Amendment) Act, 2021 was considered by the Division Bench of this Court in WP No.18703/2021 and connected petitions and by order dated 14.02.2022 the*

said petition was allowed and entire Amendment Act No.28 of 2021 was quashed. The unamended Act would provide that the alleged offences are non-cognizable offences. Therefore, compliance of requirement of Section 155(2) of Cr.P.C. becomes mandatory. Undisputedly in the present case, since the criminal case was registered as per the provisions of the Karnataka Police (Amendment) Act, 2021, there was no compliance of Section 155(2) of Cr.P.C. Under the circumstances, the impugned proceedings cannot be permitted to be continued."

6. For the said reasons, even this petition deserves to be allowed. Accordingly, the following order:

ORDER

(a) The petition is allowed;

(b) The Crime No.64/2023 registered by Jalanagar Police Station, Vijayapura for the offences punishable under Sections 79 and 80 of Karnataka Police (Amendment) Act, 2021 is quashed as against the petitioners herein.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 1 Sl No.: 52
CT:PK