



CNR: KAHC010041462022

NC: 2026:KHC:51844
WP No. 2000 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.2000 OF 2022 (GM-RES)

BETWEEN:

1. SRI D K LINGARAJU
S/O KATTAIAH,
OCC. PRESENTLY WORKING AS COMMISSIONER,
CITY MUNICIPAL COUNSEL, KOLLEGAL,
CHAMARAJANAGAR -571313,
R/AT NO. DOOR NO. 2348,
1ST FLOOR, 2ND CROSS,
SAMPIGE ROAD,
OPPOSITE TO APPOLLO HOSPITAL
KUVEMPU NAGARA,
MYSURU - 570023
2. SRI. NINGASHETTY
S/O. THIMMASHETTY,
AGED ABOUT 61 YEARS
OCC. RETIRED ASST EXECUTIVE ENGINEER,
R/AT NO.2337,
5TH CROSS, 11TH MAIN,
VIJAYANAGAR, 2ND STAGE,
MYSURU - 270 017
3. SRI. A D NAGARAJU
S/O LATE SRI DASASHETTY,
AGED ABOUT 59 YEARS
OCC. JUNIOR ENGINEER,
PRE SUB- DIVISION,
CHAMARAJANAGAR,
R/AT NO. 166, 9TH CROSS,
VISHWESHARAIHA ROAD,
VIJAYASHRIPURA,

Digitally signed
by R
MANJUNATHA
Location: HIGH
COURT OF
KARNATAKA



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MYSURU – 570 006

4. SMT. B GIRIJA
W/O OM PRAKASH,
AGED ABOUT 49 YEARS
OCC : TAHSILDAR,
NARASIPURA,
TALUK AND DISTRICT MYSURU,
R/AT NO. 286, 6TH MAIN ROAD,
HANUMANTH NAGARA,
BANNI MANTAPA 'C' LAYOUT,
MYSURU – 577 018
5. SRI. K J SOMASHEKAR
S/O LATE. S GURUSWAMY,
AGED ABOUT 53 YEARS
OCC- ACCOUNTANT SUPERINTENDENT
OFFICE OF THE DEPUTY DIRECTOR,
SOCIAL WELFARE DEPARTMENT,
NO. 121, DIST. ADMN BHAVAN,
JODI ROAD,
CHAMARAJANAGAR -571313,
R/AT NO.40,
SIDDESHWARA NILAYA,
DEVINAGAR,
DEVEERAMANAHALLI BADAVANE,
NANJANGUD,
MYSURU DISTRICT -571302
6. SRI. H B MADHUSUDHAN
S/O. LATE BORAIHAH,
PANCHAYAT DEVELOPMENT OFFICER,
GORAVANAHALLI GRAMA PANCHAYATH,
MADDUR TALUK,
MANDYA DISTRICT -571428
7. SRI. K M MAHADEV
S/O. LATE MADEGOWDA,
GRAMA PANCHAYATH SECRETARY (RTD),
HOSAHALLI GRAMA,



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MALAVALLI TALUK,
R/AT KIRUGAVALU P,
MALAVALLI TALUK,
MANDYA DISTRICT -571430

...PETITIONERS

(BY SRI PRAKASH M PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYAT RAJ DEPARTMENT,
VIDHANA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001
2. THE CHIEF EXECUTIVE OFFICER
TALUK PANCHAYATHI,
MALAVALLI,
MANDYA DISTRICT - 571 430
3. THE STATE OF KARNATAKA
POLICE INSPECTOR,
MALAVALLI TOWN POLICE STATION,
REP. BY SPP,
HIGH COURT BUILDING,
BENGALURU - 01

...RESPONDENTS

(BY SRI SURYA MUKUNDARAJ, ADDITIONAL PUBLIC
PROSECUTOR)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482
CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE FIR
REGISTERED IN CRIME NO.97/2015 ON THE FILE OF THE SR
CIVIL JUDGE AND JMFC MALAVALLI VIDE ANNEXURE-G AND
ALSO THE ORDER OF TAKING COGNIZANCE BY THE COURT
BELOW IN C.C.NO.72/2012 DTD.7.9.2021 VIDE ANNEXURE-K
AS UNSUSTAINABLE IN LAW AND IN VIOLATION OF ARTICLE



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20(3) OF THE CONSTITUTION OF INDIA AMOUNTING TO
DOUBLE JEOPARDY

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Prakash M.Patil, learned counsel for the
petitioners, Sri Surya Mukundaraj, learned Additional Public
Prosecutor for the respondents.

2. Accused Nos.1 to 5, 7 and 6 in FIR No.0097/2015
registered by the Malavalli Town Police Station, Malavalli Sub-
Division, Mandya District, registered for the offences punishable
under Sections 406, 408, 417, 429, 465, 468, 477A of the
Indian Penal Code lodged by one Sri C.Venkatesh, are the
petitioners herein, with the following prayer:

*"Issue a writ of certiorari quashing the IFR registered in
Crime No.97/2015 on the file of the Senior Civil Judge
and JMFC, Malavalli vide Annexure-G and also the order
of taking cognizance by the Court below in C.C.No.
72/2012 dated 07.09.2021 vide Annexure-K as
unsustainable in law and in violation of Article 20(3) of
the Constitution of India, amounting to double jeopardy
in the interest of justice and equity."*



3. Police after registering the case, thoroughly investigated the matter and filed the charge sheet.
4. Gist of averments in column No.17 of the charge sheet would indicate that in Malavalli Taluk Panchayath Office, first accused viz., D.K. Lingaraju was working and he has misused his position with active conspiracy with other accused and all of them in utter violation of the Order of higher officials, without distributing the ration to the labour work performed by the beneficiaries, misused the same. Column No.17 would indicate with necessary details as to the individual overt acts committed by accused Nos.1 to 8 specifically.
5. The learned Trial Magistrate took cognizance of the aforesaid offences and summoned the accused persons.
6. Petitioners herein are challenging the order taking cognizance and summoning them on the ground that, a departmental enquiry was held wherein the very same Investigation Officer was also examined as a witness and the petitioners herein were exonerated from all the charges.



7. As such, continuation of the criminal case would amount to double *jeopardy*, opposed to right granted to the petitioners under Article 20(3) of the Constitution of India and thus sought for quashing the charge sheet.

8. *Per contra*, Sri Surya Mukundaraj, learned Additional Public Prosecutor would support the continuation of the criminal case by contending that exoneration of the petitioners in the domestic inquiry would not *ipso facto* entitle the petitioners to walk away with an order of quashing of the charge sheet and thus sought for dismissal of the petition.

9. Having heard the arguments of both sides, this Court noted the provisions of Section 300 of the Code of Criminal Procedure which reads as under:

"300. Person once convicted or acquitted not to be tried for same offence.-

(1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-



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section (1) of section 221, or for which he might have been convicted under sub-section (2) thereof.

(2) A person acquitted or convicted of any offence may be afterwards tried, with the consent of the State Government, for any distinct offence for which a separate charge might have been made against him at the former trial under sub-section (1) of section 220.

(3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

(5) A person discharged under section 258 shall not be tried again for the same offence except with the consent of the Court by which he was discharged or of any other Court to which the first-mentioned Court is subordinate.



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(6) Nothing in this section shall affect the provisions of section 26 of the General Clauses Act, 1897 or of section 188 of this Code.

Explanation.-The dismissal of a complaint, or the discharge of the accused, is not an acquittal for the purposes of this section."

10. On careful reading of Section 300 of Code of Criminal Procedure in the light of the right that has been canvassed on behalf of the petitioners which is enshrined in Article 20(3) of the Constitution of India, it is to be noted that if an accused person is already tried by a competent Criminal Court and if that trial has ended in an acquittal or conviction, then second prosecution is not permissible for the same offence.

11. The same logic cannot be extended to a departmental inquiry. The law in this regard is no longer *res integra*, in the light of the recent judgment of the Hon'ble Apex Court in the case of **Karnataka Lokayuktha, Bagalkote District, Bagalkote vs. Chandrashekar and another** reported in **2026 SCC OnLine SC 13**.



12. Following the dictum of the Hon'ble Apex Court in this regard, the contentions urged on behalf of the petitioners cannot be countenanced in law.

13. Accordingly, the following:

ORDER

- (i) Petition ***dismissed***.
- (ii) However, dismissal of the present petition shall not come in the way of petitioners pursuing their remedy in accordance with law before the Trial Court, with liberty to file discharge application.
- (iii) Pending applications, if any, stand consigned to record.

**Sd/-
(V SRISHANANDA)
JUDGE**

kcm
List No.: 1 Sl No.: 65
CT:VRR