



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 1264 OF 2026 (482(Cr.PC)
/ 528(BNSS))

BETWEEN:

1. SIR. RAVI KRISHNA REDDY
S/O LATE KRISHNA REDDY V
AGED ABOUT 52 YEARS,
46. GATEWAY PARK. NEW TEMPLE ROAD
BHSV MAPER APART
BANGALORE- 560047

AND ALSO- AT RESIDING NO-222,
B-4. THUNGABHADRA BLOCK
NATIONAL GAMES VILLAGE
KORAMANGALA BANGALORE SOUTH
VIVEKNAGAR BENGALURU
KARNATAKA 560047
(AS PER AADHAR ADDRESS MENTIONED)

2. MAHESH A V
S/O VENKTASWAMY
AGED ABOUT 33 YEARS
NO. 44 ARALERI VILLAGE.
KASABA HOBALI MALUR TALUK PH N,
KOLAR DISTRICT PIN 563130
(AS PER AADHAR ADDRESS MENTIONED)

...PETITIONERS

(BY SRI. SRINATHA B.V., ADVOCATE)



AND:

1. STATE OF KARNATAKA
BY GUL PET POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS,
BENGALURU - 560 001
2. SRI. AMARAPPA
EXECUTIVE ENGINEER, KOLAR,
AGED ABOUT 58 YEARS, PLAYING SQUAD-9
KOLAR DISTRICT- 563 135
...RESPONDENTS
(BY SRI. THEJESH H.P., HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS IN CC NO.124/2025 NOW WHICH IS PENDING ON THE FILE OF THE 1ST ADDL.CIVIL JUDGE AND JMFC AT KOLAR CRIME REGISTER BY GUL PET POLICE FOR THE OFFENCE P/U/S 171(H) R/W 34 IPC.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

Sri. Thejesh H.P. learned High Court Government Pleader accepts notice for the respondents.

2. The petitioners have sought to set aside the proceedings in C.C.No.134/2025, pending on the file of the I Additional Civil Judge and JMFC, Kolar in connection with FIR registered relating to offence punishable under Section 171(H) read with Section 34 IPC.

3. The learned counsel for the petitioners submits that the FIR has been registered on the basis of information of the respondent No. 2 and perusal of the FIR would reveal that the incident that is narrated is that, during the election to the Lok Sabha, as regards Kolar constituency, the petitioners along with others including about 25 workers were campaigning using a vehicle and had put up banners on the vehicle, and had also fixed microphones and loud speakers and were distributing pamphlets to the public in relation to election campaign. On being questioned by the Police Authorities, it was found



that they had obtained permission only for use of vehicles and no permission was obtained for activities of distribution of pamphlets and collection of funds.

4. Accordingly, the respondent-Police Authorities have taken steps purportedly on the ground of violation of directions of the Election Commission relating to the Model Code of Conduct. Upon evidence collected by way of photographs, initially NCR 434/2024 was registered and after obtaining oral permission investigation has been commenced in the case.

5. The learned counsel for the petitioner submits that a narration of the incident at para 10 of the FIR, does not correlate with the filing of charge sheet for offence under 171(H) r/w Section 34 of IPC. Attention is drawn to the charge sheet filed and insofar as the petitioners are concerned, offence that is made out is 171(H) of IPC as well as Section 123 of the Representation of Peoples Act, 1951.



6. Petitioners counsel further submits that 171(H) of IPC relates to payments in connection with election activity and submits that where expenditure is incurred for holding a public meeting or relating to advertisement, or for publication, or for purpose of promoting or procuring election of such candidate and such expenditure is incurred without the authority of the candidate, then 171(H) of IPC would come into play and in the present case the incident makes out the allegation of petitioners not having taken permission for distribution of pamphlets etc. Accordingly, the offence made out in the charge sheet has nothing to do with the narration of the incident.

7. Learned High Court Government Pleader appearing for the respondent-State is unable to controvert such submission that the incident made out cannot be relatable to the offence under 171(H) of IPC. Section 171H of IPC reads as follows:

"171H. Illegal Payments in connection with an election:

Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon



any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate."

8. Merely 171(H) of IPC relates to incurring of expenditure, on account of holding a public meeting, advertisement, publication or any other act for promoting the election of the candidate without permission from the candidate. However, the FIR has been lodged in respect of the incident which is a detailed at column No.10 of the FIR.

9. Column-10 makes out a case of distributing pamphlets and putting a banner in the vehicle without permission. Section 171(H) of IPC ingredients are not made out clearly in the FIR lodged and investigation made and charge sheet filed. Making out a case under 171(H) of IPC, reflects total non-application of mind. The petition deserves to be allowed. Further section 123(7) of the



Representation of People's Act, deals with a different scenario and has no application to the facts of the case.

10. Accordingly, the petition is **allowed**.

Proceedings against the petitioners in C.C. No.134/2025, pending on the file of the I Additional Civil Judge and JMFC at Kolar is hereby set aside.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE