



CNR: KAHC010090852019

NC: 2026:KHC:52813
CRL.P No. 2377 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.2377 OF 2019

BETWEEN:

1. B.S. CHANDRAPPA
S/O SRI. SHANKARAPPA
AGED BOUT 51 YEARS
ASST. EXECUTIVE ENGINERR
KARNATAKA SLUM CLEARANCE BOARD
RISALDAR STREET, SESHADRIPURAM
BENGALURU-560020.
2. N.P.BALARAJU
S/O LATE H.V. PUTTASWAMY
AGED ABOUT 54 YEARS
EXECUTIVE ENGINEER,
(NOW TECHNICAL DIRECTOR-II)
KARNATAKA SLUM CLEARANCE BOARD
RISALDAR STREET, SESHADRIPURAM
BENGALURU-560020

...PETITIONERS

(BY SRI. S.G. BHAGAVAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY RAJAJINAGAR BESCOM
VIGILANCE POLICE STATION
RAJAJINAGAR,
BENGALURU-560 010.
2. BANGALORE ELECTRICITY SUPPLY

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010090852019

NC: 2026:KHC:52813
CRL.P No. 2377 of 2019

COMPANY LIMITED
K.R.CIRCLE, BENGALURU-560001
BY ITS MANAGING DIRECTOR

...RESPONDENTS

(BY SRI. P. PRASANNA KUMAR, SPECIAL PUBLIC PROSECUTOR
FOR R1 AND R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN SPL.C.C.NO.757/2018 INCLUDING THE ORDER DATED 27.10.2018 PENDING ON THE FILE OF LXX ADDITIONAL CITY CIVIL AND SESSIONS AND SPECIAL JUDGE, BENGALURU (CCH-71) FOR THE OFFENCES PUNISHABLE UNDER SECTION 135 OF ELECTRICITY ACT, 2003, IN SO FAR AS THE PETITIONERS ARE CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel appearing for the petitioners and
learned Special Public Prosecutor for respondent Nos.1 and 2.

2. The prayer is sought to quash the proceedings initiated against these petitioners in Special C.C.No.757/2018, including the order dated 27.10.2018 passed by the LXX Additional City Civil and Sessions Judge and Special Judge,



Bengaluru City for the offence punishable under Section 135 of the Electricity Act, 2003.

3. These two petitioners are accused Nos.1 and 2 and while seeking quashing of the proceedings, they have urged the ground that first information as per document No.2 does not contain any material from the concerned Police Officer to reasonably suspect the commission of any cognizable offence as far as the petitioners are concerned and charge sheet materials produced also do not disclose any offence so far as the petitioners are concerned for the Court to take cognizance for the offence under Section 190 of Cr.P.C. and also to issue process under Section 204 of Cr.P.C. It is contended that when there is no sufficient ground for proceeding against the petitioners, there cannot be taking of cognizance and issue of summons to the accused and the order dated 27.10.2018 by the Presiding Officer of the Court is without application of mind, mechanical and is not judicious. It is also contended that the reasons best known to the Police Officer has abdicated its responsibility of placing all the materials by way of correspondences between the Board and that company and in



suppressing some of them which are favourable to the Board, inclusive of the petitioners. The concerned Police Officer of the respondent No.2 has arrogated to himself to initiate the proceedings without reference to the company which is a wholly owned State Government undertaking and in the petitioners dehors the Board. It is contended that the charge sheet not authorized by the respondent No.2 as is required in law, if at all, is bad in law not conferring any jurisdiction to the Trial Court to entertain the same.

4. Learned counsel appearing for the petitioners also during the course of argument would vehemently contend that when these petitioners are the employees and it is incorporated as a company under the Companies Act, 1956 and without obtaining any sanction, cognizance is taken and Trial Court failed to take note of said fact into consideration and without sanction, there cannot be any prosecution against these petitioners, who are working as Assistant Executive Engineer and Executive Engineer of Karnataka Slum Clearance Board.

5. Per contra, learned Special Public Prosecutor appearing for respondent Nos.1 and 2 would submit that



sanction is sought, but no decision is taken with regard to requisition made to the competent authority and fairly admits that there is no sanction to file the charge sheet. The counsel also not disputes the fact that cognizance was taken without sanction. However, counsel prays this Court that liberty may be given to prosecute the petitioners after obtaining sanction from the competent authority. The counsel also would submit that while filing the charge sheet, the Investigating Officer has not collected sanction and there is no document of sanction enclosed along with the charge sheet.

6. Having heard learned counsel appearing for the petitioners and learned Special Public Prosecutor appearing for respondent Nos.1 and 2, it is not in dispute that these two petitioners are Assistant Executive Engineer and Executive Engineer of Karnataka Slum clearance Board. The counsel for the petitioners also vehemently contend that no offence is made out against the petitioners to invoke the offence under Section 135 of the Electricity Act, 2003 and charge sheet is filed. But, no sanction is obtained under Section 197 of Cr.P.C to prosecute the petitioners and there is no permission. The



learned Special Public Prosecutor appearing for respondent Nos.1 and 2 also fairly submit that there is no sanction. But, process was made to get sanction, but no decision was taken and no sanction at the time of filing the charge sheet.

7. When such being the case, there is a force in the contention of learned counsel appearing for the petitioners that without sanction, there cannot be any proceedings against the petitioners. The Trial Court also failed to take note of the fact that there was no sanction, but mechanically applied its mind and not applied its mind judiciously and ought to have taken note whether there is sanction or not to take cognizance. While taking cognizance, sanction is required and the said sanction is not available in the case on hand. However, there is a force in the contention of learned Special Public Prosecutor appearing for respondent Nos.1 and 2 that, if sanction is obtained, liberty may be given to prosecute the petitioners.

8. In view of the submissions and also the material available on record, this Court passes the following:

ORDER

- (i) The criminal petition is ***allowed.***



NC: 2026:KHC:52813
CRL.P No. 2377 of 2019

CNR: KAHC010090852019

- (ii) The proceedings initiated against the petitioners in Special C.C.No.757/2018, including the order dated 27.10.2018 passed by the LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru City for the offence punishable under Section 135 of the Electricity Act, 2003, is hereby quashed.
- (iii) However, liberty is given to respondent Nos.1 and 2 to proceed in accordance with law against the petitioners, if sanction is obtained.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 9