



CNR: KAHC010166382024

NC: 2026:KHC:54455
CRL.P No. 3208 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3208 OF 2024

BETWEEN:

KUMAR K
S/O KANNAN,
AGED ABOUT 53 YEARS,
RESIDING AT NO.71,
7TH C CROSS, 5TH MAIN ROAD,
SWTHANTRA PALYA,
SRIRAMPURA,
BENGALURU-560021.

...PETITIONER

(BY SRI.HITESH GOWDA B.J., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY COTTONPET POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BANGALORE-560001.
2. RETURNING OFFICER
S/O NOT KNOWN TO PETITIONER,
AGED ABOUT 50 YEARS,
RETURNING OFFICER AT: GANDHINAGAR,
ASSEMBLY CONSTITUENCY -164
TCM ROYAN ROAD,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010166382024

NC: 2026:KHC:54455
CRL.P No. 3208 of 2024

COTTONPET,
BENGALURU-560 053.

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.19058/2023 REGISTERED BY COTTONPET P.S. FOR THE OFFENCE P/U/S 171G OF IPC PENDING BEFORE THE HONBLE COURT OF XXXI ADDL.C.M.M COURT NRUPATUNGA ROAD, BENGALURU CITY (31ST A.C.M.M).

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in CC No.19058/2023, arising out of Crime No.127/2023 dated 26.04.2023, filed by the Cottonapet Police Station, Bengaluru City, against the petitioner for the offences punishable under Sections 171G of IPC pending on the file of XXXI ACMM, Bengaluru.



CNR: KAHC010166382024

2. The brief facts of the case are that Respondent No.2 lodged a complaint before Respondent No.1–Police on 22.04.2023, alleging that the Election Commission of India had announced the schedule for filing nominations for the State Assembly elections from 13.04.2023 to 20.04.2023. The petitioner, claiming to be the candidate of the All India Anna Dravida Munnetra Kazhagam (AIADMK) for the 164-Gandhinagar Vidhan Sabha Assembly Constituency, filed his nomination on 20.04.2023 at about 2:45 p.m. before Respondent No.2. The nomination was accompanied by Forms A and B, purportedly issued by O. Panneerselvam, the Co-Coordinator of the AIADMK, Tamil Nadu, dated 19.04.2023. Thereafter, the petitioner's nomination was taken up for scrutiny. In the interregnum, the Secretary of the Election Commission of India, by a letter dated 20.04.2023 addressed to Edappadi K. Palaniswami, identified him as the leader of the political party in terms of the orders passed by the Court. Taking the said communication into consideration, the Forms A and B submitted by the petitioner were rejected, and his nomination was consequently treated as that of an independent



CNR: KAHC010166382024

candidate. Aggrieved by the aforesaid circumstances, Respondent No.2 lodged a complaint against the petitioner alleging that the petitioner had misled the Electoral Officer and had thereby committed an offence punishable under Section 171G of the IPC. On the basis of the said complaint, an FIR came to be registered against the petitioner for the alleged offences. Subsequently, Respondent No.1-Police conducted an investigation and, upon completion thereof, laid a charge-sheet against the petitioner for the aforementioned offence. The learned Magistrate thereafter took cognizance of the offence. Aggrieved by the same, petitioner has preferred the present petition seeking quashing of the proceedings initiated against him.

3. Heard the learned counsel for the petitioner and learned HCGP.

4. The primary contention of the learned counsel for the petitioner is that, pursuant to the announcement of the schedule for the Assembly elections, Forms A and B were issued in favour of the petitioner by O. Panneerselvam on 19.04.2023 in his capacity as the Co-Coordinator of the



CNR: KAHC010166382024

**NC: 2026:KHC:54455
CRL.P No. 3208 of 2024**

AIADMK party. On the strength of the said Forms A and B, the petitioner submitted his nomination on 20.04.2023 at about 2:45 p.m. before the concerned Electoral Officer. It is further contended that, subsequently, the Election Commission of India, by its communication dated 20.04.2023 concerning the amended Constitution of the All India Anna Dravida Munnetra Kazhagam, recognised Edappadi K. Palaniswami as the Coordinator of the party. The said communication came to light only at about 3:07 p.m. on 20.04.2023, i.e., approximately 15 minutes after the petitioner had submitted his nomination. In the aforesaid circumstances, it is submitted that the petitioner could not have committed the offence punishable under Section 171G of the IPC, as, at the time of submission of his nomination, the Forms A and B furnished to him had been issued by O. Panneerselvam, who was continuing to act as the Coordinator of the party. The learned counsel for the petitioner further contends that, although an order had been passed by the Hon'ble Madras High Court on 11.07.2022 recognising and approving the resolution of the AIADMK General Council and recognising Edappadi K. Palaniswami as the Secretary of the



CNR: KAHC010166382024

party, O. Panneerselvam continued to function as the Coordinator of the party until the issuance of Forms A and B in favour of the petitioner. Therefore, the petitioner had acted on the basis of the documents issued by the person who was, at the relevant point of time, representing himself as an authorised functionary of the party. In view of the aforesaid circumstances, the learned counsel for the petitioner submits that continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of the Court. Accordingly, he prays to allow the petition and quash the proceedings initiated against the petitioner.

5. *Per contra*, the learned HCGP opposed the prayer on the ground that the petitioner was fully aware of the General Council Resolution dated 11.07.2022, which had been upheld by the Division Bench of the Madras High Court as well as by the Hon'ble Supreme Court. Pursuant to the said resolution, Edappadi K. Palaniswami was the General Secretary and, therefore, O. Panneerselvam had no authority to issue Forms A and B. Despite having full knowledge of the same, the petitioner obtained Forms A and B from O. Panneerselvam and



CNR: KAHC010166382024

submitted his nomination. It was, therefore, contended that the petitioner had committed an offence punishable under Section 171G of the IPC. The learned HCGP further contended that, as on the date of filing of the nomination, Edappadi K. Palaniswami was the General Secretary and the person duly authorised to issue Forms A and B. Accordingly, he prays to dismiss the petition.

6. I have given my anxious consideration both on the submissions and perused the entire materials available on record.

7. Undisputedly, on a careful scrutiny of the entire charge-sheet material, it is evident that, following the announcement of the General Assembly Elections in Karnataka, the schedule for filing nominations was fixed from 13.04.2023 to 20.04.2023. The petitioner obtained Forms A and B on 19.04.2023 and filed his nomination on 20.04.2023. The charge-sheet further reveals that Forms A and B were issued to the petitioner by O. Panneerselvam, the Coordinator of the AIADMK. The said Forms A and B specifically disclose that they were issued by O. Panneerselvam in his capacity as the



CNR: KAHC010166382024

Coordinator of the party. The same were accepted by the Election Commission on 20.04.2023. The contention of the learned HCGP that, as on the date of issuance of Form A and B, Edappadi K. Palaniswami was the General Secretary of the AIADMK pursuant to the General Council Resolution dated 11.07.2022, cannot be accepted at this stage. Forms A and B nowhere state that they were issued by the General Secretary. On the contrary, the said forms specifically disclose that they were issued by O. Panneerselvam in his capacity as the Coordinator of the party. Thus, it is not the case of the petitioner that Forms A and B were issued by the General Secretary; rather, the specific case is that the same were issued by the Coordinator. Admittedly, there was a dispute between the Coordinator and the General Secretary of the AIADMK Party. Ultimately, the Election Commission of India, while determining the authorised constitution and office-bearers of the political party, recognised Edappadi K. Palaniswami as the authorised person for the AIADMK. The said determination was made on 20.04.2023. However, the constitution of the political party recognising Edappadi K.



CNR: KAHC010166382024

NC: 2026:KHC:54455
CRL.P No. 3208 of 2024

Palaniswami as the General Secretary and the authorised person to issue Forms A and B was published on the official website of the Election Commission only at 03.07 p.m. on 20.04.2023, i.e., subsequent to the filing of the nomination by the petitioner. Thereafter, the nomination was scrutinised by the Election Commission, which rejected the nomination submitted by the petitioner on the basis of Forms A and B issued by O. Panneerselvam, and the petitioner was consequently treated as an independent candidate. In such circumstances, , it cannot be said that the petitioner misguided the respondent No.2 and filed Forms A and B. Such being the position, in my considered opinion there was no *mens rea* on the part of the petitioner or the act of the petitioner has not come within the ambit of Section 171G. Hence continuation of proceedings against the petitioner would amount to abuse of process of Court since the entire charge sheet materials even if taken on their face value, no offence has been made against the petitioner to constitute the offence under Section 171G. Accordingly, I proceed to pass the following:

ORDER

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



NC: 2026:KHC:54455
CRL.P No. 3208 of 2024

CNR: KAHC010166382024

ii. The proceedings against the petitioner - accused in CC No.19058/2023, arising out of Crime No.127/2023 dated 26.04.2023, filed by the Cottonapet Police Station, Bengaluru City, for the offences punishable under Sections 171G of IPC pending on the file of XXXI ACMM Bengaluru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 6