



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 5225 OF 2019

BETWEEN:

RAMAKRISHNA
S/O THOPEGOWDA,
AGED ABOUT 58 YEARS,
H.C. 161 OF SHRAVANABELAGOLA
POLICE STATION,
R/AT NO. 13,
HANUMANTHARAYA TEMPLE ROAD,
K. CHOWDENAHALLI, KALKERE,
HASSAN TALUK AND DISTRICT,
PIN: 573 116.

...PETITIONER

(BY SRI RAVIKUMAR G H, ADVOCATE)

AND:

STATE OF KARNATAKA
SHIRASTEDAR,
SENIOR CIVIL JUDGE AND JMFC COURT,
CHANNARAYAPATNA,

REPRESENTED BY SPP
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. SOWMYA R, HCGP FOR RESPONDENT)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASHING THE ENTIRE PROCEEDINGS PENDING IN
C.C.NO.1346/2017 ON THE FILE OF THE PRINCIPAL CIVIL

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



JUDGE AND JMFC COURT, CHANNARAYAPATNA, INITIATED AGAINST THE PETITIONER FOR AN OFFENCE P/U/S.177 AND 192 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Seeking for quashing of entire proceedings in CC no.1346/2017 on file of Principal Civil Judge and JMFC, Channarayapatna, for offences punishable under Sections 177 and 192 of Indian Penal Code, this petition is filed.

2. Sri GH Ravikumar, learned counsel submitted that on a complaint by Shirasthedar in Court of Senior Civil Judge and JMFC, Channarayapatna, dated 14.07.2017 alleging that a proclamation warrant was issued against accused in CC no.220/2016 fixing date of appearance of accused as 01.09.2017, warrant was signed on 17.07.2017, and forwarded to concerned police station for execution. On being assigned same, petitioner working as Head Constable with badge no.161 attached to Shravanabelagola Police Station had effected service and submitted a mahazar report stating that proclamation warrant was served on accused on 04.07.2017



itself even before date of its issuance, establishing that report was false and tendered to be acted upon by Court thereby committing offences punishable under Section 177 and 192 of IPC. It was submitted that there was no dispute about date of order of proclamation warrant and its issuance as 14.04.2017 and 17.07.2017 respectively and submitted that warrant was in fact served on accused on 24.07.2017, but due to inadvertence, instead of mentioning date in mahazar as 24.07.2017, it was wrongly mentioned as 04.07.2017 without ill-intention on part of accused. It was submitted in absence of ill-intention, continuation of proceedings against petitioner under Sections 177 and 192 of IPC would amount to abuse of process of law and sought for quashing.

3. Petition is opposed by learned HCGP appearing for respondent-State. Discrepancy in matter of service of proclamation warrant was not disputed. Whether same was without ill-intention and due to inadvertence would amount to consideration of defence and would be a matter for trial. Therefore, petition is without merit and sought for dismissal.

4. Heard learned counsel and perused material on record.



5. This petition is by accused challenging initiation of proceedings against him for offences punishable under Section 177 and 192 of IPC. Sole ground urged is absence of ill-intention while admitting discrepancy in submission of mahazar report about service of proclamation warrant against accused. Hon'ble Supreme Court has time and again held that in a petition for quashing of proceedings under Section 482 of CrPC, there would be no scope for examination of defence of accused. Whether discrepancy in mentioning date of service of proclamation warrant was due to inadvertence or with ill-intention would be a matter for trial and would require elucidation in trial and cannot be considered by this Court under Section 482 of CrPC. Perusal of complaint would prima facie indicate ingredients for offences as alleged. Petition is devoid of merits and stands **dismissed**. However, dismissal would not come in way of petitioner urging all contentions before trial Court at appropriate stage.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 22