



CNR: KAHC010566162019

NC: 2026:KHC:49823
CRL.P No. 8713 of 2019
C/W CRL.P No. 6160 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.8713 OF 2019

C/W

CRIMINAL PETITION NO.6160 OF 2019

IN CRL.P NO.8713/2019

BETWEEN:

LAKSHMI
D/O RAJKUMAR
AGED ABOUT 26 YEARS
FLAT NO.17, II FLOOR
SILVER STRING APARTMENT
I CROSS, VENKATADRI LAYOUT
B G ROAD
BENGALURU-560076

...PETITIONER

(BY SRI. CHANDRASHEKARA K A, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY THE POLICE OF
PUTTENAHALLI POLICE STATION
BANGALORE CITY-560078
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE-560001

...RESPONDENT

(BY SRI SUHAS GOWDA M, HCGP)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010566162019

NC: 2026:KHC:49823
CRL.P No. 8713 of 2019
C/W CRL.P No. 6160 of 2019

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.1672/2019 PENDING ON THE FILE OF HTE HONBLE LXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU AGAINST THE PETITIONER HEREIN FOR THE OFFENCE P/U/S 370(2), 370A(2) R/W 34 OF IPC AND SECTION 3, 4, 5 AND 7 OF ITP ACT AND ETC.

IN CRL.P NO.6160/2019

BETWEEN:

1. RAGHU N B
S/O BHANUPRAKASH
AGED ABOUT 31 YEARS
NO.68, I FLOOR, 4TH CROSS
NAVODAYANAGARA
J P NAGAR, 7TH STAGE
BENGALURU-560078
2. JAYAVARDHAN
S/O BHANUPRAKASH
AGED ABOUT 45 YEARS
R/AT 'ANUGRAHA', 2ND CROSS
GOWRIKOPPALU, VIDYANAGARA
HASSAN TOWN-573 201

...PETITIONERS

(BY SRI. CHANDRASHEKARA K A, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY THE POLICE OF
PUTTENAHALLI POLICE STATION
BANGALORE CITY 560078.
REP BY SPP, HIGH COURT OF KARNATAKA
BANGALORE-560001

...RESPONDENT

(BY SRI SUHAS GOWDA M HCGP)



CNR: KAHC010566162019

NC: 2026:KHC:49823
CRL.P No. 8713 of 2019
C/W CRL.P No. 6160 of 2019

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.14918/2019 ON THE FILE OF XLIV ADDL.C.M.M., BENGALURU PENDING AGAINST THE PETITIONERS HEREIN FOR THE OFFENCE P/U/S 370(2), 370(A)(2) R/W 34 OF IPC AND SECTION 3, 4, 5 AND 7 OF I.T.P. ACT AND ETC.

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

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

ORAL ORDER

Heard the learned counsel appearing for the respective petitioners and the learned High Court Government Pleader appearing for the State.

2. The counsel appearing for the petitioners would contend that the complainant is the same person who has investigated the matter and filed the charge sheet and he has been cited as CW1. Hence, the complainant cannot be act as an Investigator and the same is bad in law. The counsel in support of his argument, relies upon the judgment of the Apex Court reported in **AIR 2018 SC 3853** in the case of **MOHAN LAL vs STATE OF PUNJAB** wherein Apex Court while dealing with Article 21, held that fair investigation is the foundation of the



CNR: KAHC010566162019

NC: 2026:KHC:49823
CRL.P No. 8713 of 2019
C/W CRL.P No. 6160 of 2019

fair trial which requires Informant and Investigating Officer not to be same person, especially in case of lows carrying reverse burden of proof. When the Informant and the Investigating Officer is the same person, investigation is said to be vitiated. The counsel referring this judgment would contend that the very same person cannot act as a complainant as well as the investigator.

3. The counsel appearing for the respondent/State would contend that if such act is done, that should a prejudice to the accused. If there is no such prejudice, the question of quashing the proceedings does not arise and the same is a matter of trial. Whether such prejudice is caused or not, the same has to be borne out during the course of trial and not at the stage of continuing the proceedings.

4. Having heard the petitioners' counsel and also the counsel appearing for the respondent and also perusal of the material on record, it discloses that it is very clear that CW1 only conducted the raid and found the accused persons who were running the prostitution and hence invoked the offences under Section 370(2), 370A(2) read with Section 34 of IPC and



CNR: KAHC010566162019

NC: 2026:KHC:49823
CRL.P No. 8713 of 2019
C/W CRL.P No. 6160 of 2019

Sections 3, 4, 5 and 7 of ITP Act. Having perused the complainant, it is very clear that the complainant who conducted the raid only gave the complaint for registration of the case on 10.04.2019. Based on the complaint only, FIR was registered in Crime No.85 of 2019. Having perused the charge sheet material, it discloses that the complainant only conducted the entire investigation and the other witnesses are police witnesses i.e., CW9 to 15 who are the part of the said investigation. Though PW16 is cited, he is only a Sub Inspector who has done only the part of investigation. Ultimately, the entire investigation is conducted by the very same person who had lodged the complaint. Having taken note of these materials and also the principles laid down in the judgment referred supra wherein the Apex Court categorically held that there must be a fair investigation and also there must be a fair trial. The principle is very clear that fair investigation is the foundation of fair trial and it requires that the informant and the Investigating Officer not to be same person especially in laws carrying reverse burden of proof. When informant and Investigating Officer is a same person, investigation is said to



CNR: KAHC010566162019

NC: 2026:KHC:49823
CRL.P No. 8713 of 2019
C/W CRL.P No. 6160 of 2019

be vitiated. Hence, when the informant and investigating officer are the same person, the same is not a fair investigation. When such being the case, the investigating officer cannot act as a complainant as well as the investigator in the matter and he should not be a prosecuting agency also when he himself is a complainant. When such being the case, the petitioners have made out the case to quash the proceedings initiated against them. Hence, both the petitions requires to be allowed.

5. In view of the discussions made above, I pass the following:

ORDER

The petitions are allowed.

The proceedings initiated against the respective petitioners for the offences punishable under Sections 370(2), 370A(2) read with Section 34 of IPC and Sections 3, 4, 5 and 7 of ITP Act is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SN