



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 8982 OF 2026

BETWEEN:

MOHAMMED RAFIQ ALIAS SHANNU
S/O HASAN SAB
AGED ABOUT 42 YEARS
R/A BB STREET, GANDI BAJAR,
DODDAPETE, SHIVAMOGGA - 577 202.

...PETITIONER

(BY SMT. LIKITHA M, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY TUNGANAGAR P.S.,
REP. BY SPP
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. RAJU H
CPC - 1112
TUNGANAGAR POLICE STATION,
SHIVAMOGGA - 577 202.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS)
PRAYING TO QUASH THE CHARGE SHEET FILED AGAINST THIS
PETITIONER IN CC.NO.2577/2025 ARISING OUT OF

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by
PADMAVATHI
B K

Location: High
Court of
Karnataka



CR.NO.378/2024 REGISTERED BY TUNGA NAGAR P.S.,
PENDING BEFORE THE V ADDL. CIVIL JUDGE AND JMFC, AT
SHIVAMOGGA, FOR THE OFFENCE P/U/S 112 OF BNS.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Heard Smt. Likitha M., learned counsel appearing for the
petitioner, Sri. K. Nageshwarappa, learned High Court
Government Pleader appearing for respondent No.1 and have
perused the material on record.

2. The petitioner is before this Court calling in question
the proceedings in C.C.No.2577/2025 registered for the offence
punishable under Section 112 of the Bharatiya Nyaya Sanhita
(BNS), 2023.

3. Learned counsel appearing for the petitioner would
submit that the issue in the *lis* stands covered by the judgment
rendered by the Co-ordinate Bench of this Court in



Crl.P.No.3759/2021 disposed on 07.06.2021, wherein it has held as follows:

1. Heard the learned Counsel for the petitioners and the learned HCGP for the respondent-State.
2. Brief facts of the case leading to the filing of this petition are, the respondent-Police on a credible information received by them on 05.03.2021 at about 3.00 p.m., with regard to conducting illegal Matka game in public place near Govinahal village bus stand, raided the spot and arrested the petitioners and also recovered an amount of Rs.12,600/- cash, one pen and one OC chit used for conducting the Matka game. Thereafter, a complaint was lodged and based on the same, case in Crime No.35/2021 was registered by Malebennur Police Station of Harihara Circle for the offence punishable under Section 78 of the Karnataka Police Act, 1963. After investigation, charge sheet has been filed and the case is now pending before the Court of II Additional Civil Judge & JMFC, Harihara, in C.C.No.866/2021. Being aggrieved by the same, the petitioners have approached this Court.
3. Learned Counsel for the petitioners submits that there is absolutely no material in the charge sheet to proceed against the petitioners for the alleged offences. He submits that there is no complaint received from any private party nor is there any statement recorded by the Investigation Officer of a private party who is said to have been cheated in the case. He has relied upon the order of this Court in Crl.P.No.9122/2017 connected with Crl.P.No.9125/2017 disposed of on 17.02.2018, wherein in identical circumstances, this Court has quashed the criminal proceedings. This Court in paragraph 2 of the said order, has observed as follows:

"2. Therefore, looking to the above said facts and circumstances, it is accused No.1 who has disclosed the name of this petitioner that after accused No.1 playing 'matka' and getting money, he used to give the said money to the present petitioner. But there is absolutely no material in the FIR to show that whether the police have enquired any other person or public at large to ascertain whether the said factum stated by accused No.1



is true or not. Even after filing of the charge-sheet, the police have not collected any material with regard to the accused No.1 paying money collected by playing 'matka' to accused No.2. In this connection, the police have recorded the statement of many witnesses. However, on careful perusal of the statement of witnesses including the police witnesses, it could be seen that no body have got any personal or special knowledge about accused No.1 making payment in favour of accused No.2 after playing 'matka'. Even on careful perusal of the entire statements of witnesses, the prosecution has relied upon the statement of the co-accused which is not corroborated by any material on record. Therefore, there is absolutely no offence committed either under S.78(3) of the Karnataka Police Act or under S.420 of IPC, in so far as the petitioner herein is concerned.

Under the above said circumstances, I am of the opinion that the proceedings in C.C. Nos.276/2017 and 385/2016 on the file of the Prl. Civil Judge & JMFC Court, Sagara, Shivamogga Dist. in so far as the petitioner herein is concerned are liable to be quashed and accordingly they are quashed.

The petitions are allowed in the above terms."

4. I have carefully considered the material available on record.

5. From the charge sheet which is available on the file, it is seen that there is no statement of any independent person with regard to the petitioners indulging in conducting Matka. In the absence of any statement of an independent person that the petitioners were indulged in playing or conducting the Matka game and that petitioners had collected money from them, etc., they cannot be prosecuted for the alleged offences. Under the circumstances, I am of the considered opinion that the impugned proceedings are liable to be quashed for the purpose of securing the ends of justice. The continuation of criminal proceedings would otherwise amount to abuse of process of law. Accordingly, I proceed to pass the following order:



6. Criminal petition is allowed. The entire proceedings in C.C.No.866/2021 pending on the file of II Addl. Civil Judge & JMFC, Harihara, arising out of Crime No.35/2021 registered by Malebennur Police Station, for the offence punishable under Section 78 of Karnataka Police Act, 1963, stands quashed."

In the light of the order passed by the co-ordinate Bench of this Court (*supra*) and for the reasons aforementioned, the following:

ORDER

- (i) The Criminal Petition is ***allowed***.
- (ii) The proceedings in C.C.No.2577/2025 pending before the V Additional Civil Judge and JMFC at Shivamogga, stand quashed, *qua* the petitioner.

Sd/-
(M.NAGAPRASANNA)
JUDGE

JY
List No.: 1 Sl No.: 127