



CNR: KAHC010439192025

NC: 2026:KHC:36861
CRL.P No. 9503 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO.9503 OF 2025 (482(CR.PC) /
528(BNSS))

BETWEEN:

1. SRI. SOMESHA B. R.
S/O RAJAPPA,
AGED ABOUT 45 YEARS,
R/AT BRAMHADEVARAHALLI VILLAGE,
KASABA HOBLI, NAGAMANGALA TALUK,
MANDYA, DIST-571432.
2. SRI. MANJU @ MANJUNATHA.S.R,
S/O LATE RAJU, C/O RAJU,
AGED ABOUT 37 YEARS,
NOW R/AT SAREMAGALA KOPPALU,
MULLUKATTE, NAGAMANGALA TALUK,
MANDYA, DIST-571432.

Digitally signed
by NAGAMODDIN
JAMKUNDE
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. HAREESH KUMAR N. T, ADVOCATE)

...PETITIONERS

AND:

THE STATE OF KARNATAKA
BY NAGAMANGALA TOWN POLICE,
MANDYA DISTRICT-571432,
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU-560001.

(BY SRI. DIWAKAR MADDUR, HCGP)

...RESPONDENT



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C (UNDER SECTION 528 BNSS) PRAYING TO A) CALL FOR THE RECORDS IN CC NO.363/2014, ON THE FILE OF HON'BLE SENIOR CIVIL JUDGE AND JMFC, NAGAMANGALA, MANDYA, B) QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS IN CC.NO.363/2014, ON THE FILE OF HON'BLE SENIOR CIVIL JUDGE AND JMFC, NAGAMANGALA, MANDYA, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 79, 80 OF K.P ACT, VIDE ANNEXURE-A. C) TO PASS SUCH OTHER APPROPRIATE ORDER, AS DEEMED FIT, IN THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioners seek the following reliefs:

"a) Call for the records in CC No.363/2014, on the file of Hon'ble Senior Civil Judge and JMFC, Nagamangala, Mandya.

b) Quash the entire proceedings, against the petitioners in CC No.363/2014, on the file of Hon'ble Senior Civil Judge and JMFC, Nagamangala, Mandya, for the offence punishable under Section 79 and 80 of K.P.Act, vide Annexure-A and

c) To pass such other appropriate order, as deemed fit, in the circumstances of the case"



2. Heard the learned counsel for the petitioners and the learned High Court Government Pleader for the respondent and perused the material on record.

3. Material or record will indicate that the petitioners are accused No.20 and accused No.13 respectively in the impugned proceedings in CC No.363/2014 pending on the file of the Trial Court. It is a matter of record and undisputed fact that the accused No.1 approached this Court in Criminal Petition No.918/2019, which was allowed and by this Court and this Court quashed the impugned proceedings qua accused No.1 vide final order dated 15.04.2019, which reads as under:

"

ORDER

Petitioner is before this Court for quashing of the proceedings pending in C.C. No.363/2014 (Crime No.183/2018), registered by Nagamangala Town police station, for the offences punishable under Sections 79 and 80 of the Karnataka Police Act which



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proceedings are pending on the file of learned Senior Civil Judge & JMFC, Nagamangala.

2. The gist of the prosecution case is as follows:-

The Sub Inspector of Police had received a credible information on 01.12.2013 at about 4.00 p.m., that in the premises situated at Coconut plantation belonging to Sri Mallegowda, Koppalu village, Nagamangala, some persons were playing cards game of "Andhar Bahar" by indulging in 3 gambling. Police have raided said place along with staff on the same day, that is, on 01.12.2013 at about 5.00 p.m., and found that petitioner was playing the game "Andhar Bahar" along with other accused persons and alleging it is a game of chance, they seized cash of Rs.1,11,910/- and other materials and apprehended petitioners.

3. I have heard the arguments of Sri Ajit P.B., learned counsel appearing for the petitioner and Sri S.Rachaiah, learned HCGP appearing for the State. Perused the records.

4. The contention of Sri Ajit P.B., learned counsel appearing for the petitioner is that offences alleged against petitioner are non-cognizable and without obtaining permission from the jurisdictional



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Magistrate as contemplated under Section 155(2) of Cr.P.C, same has been registered and investigation has been taken up and as such proceedings cannot be continued as it is illegal. He would also elaborate 4 his submissions by contending that playing the game of cards as "Andhar Bahar" is a game of skill and not a game of chance. Hence, prays for quashing of proceedings.

5. However, the learned High Court Government Pleader appearing for the respondent-State would defend the initiation of prosecution against petitioners and prays for dismissal of the petition contending permission from Magistrate had been obtained.

6. Having heard the learned Advocates appearing for the parties and on perusal of records, it would not detain the Court for long to accept the submissions of learned counsel appearing for the petitioner inasmuch as, material on record does not disclose that permission as prescribed under Sub-Section (2) of Section 155 of Cr.P.C. had been obtained from the jurisdictional Magistrate by the respondent before registering the FIR in question for 5 the offences punishable under Sections 79 & 80 of the Karnataka Police Act which undisputedly is a non-cognizable offence. Thus, illegality in not



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obtaining permission as required under Section 155(2) of Cr.P.C. continues and as such the continuation of proceedings against petitioner would be abuse of process of law as it cannot stand the test of law. On this short ground itself, petitioner has to succeed.

Hence, I proceed to pass the following:-

ORDER

(i) Criminal Petition is hereby allowed.

(ii) Proceedings against petitioner in C.C.No.363/2014 (Crime No.183/2018) pending on the file of Senior Civil Judge and JMFC, Nagamangala stands quashed and petitioner is acquitted of the above said offences.

In view of disposal of the petition, I.A.No.1/2018 for stay does not survive for consideration and it stands rejected."

4. So also the accused No.4 approached the Court in Criminal Petition No.1826/2022, which also came to be allowed by this Court vide final order dated 12.04.2023, whereby this Court quashed the impugned proceedings



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qua accused No.4. Similarly, the accused Nos. 10, 15, 18, 24, 25, 27 and 29 also approached this Court in Criminal Petition No.9555/2024, which also came to be allowed by this Court vide final order dated 04.11.2024.

5. In view of the aforesaid facts and circumstances and the quashment of the impugned proceedings against the co-accused persons as stated supra, I deem it just and appropriate to invoke/apply the Doctrine of Parity and allow the present petition and quash the proceedings qua petitioners/accused No.20 and 13.

6. In the result, I pass the following:

ORDER

- i. The Criminal Petition is ***allowed***.
- ii. The impugned proceedings in CC No.363/2014 on the file of Senior Civil Judge and JMFC, Nagamangala, Mandya



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qua petitioners/accused No.20 and 13 are
hereby quashed.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

NJ
LIST NO.: 19 SL NO.: 18
CT:SI