



CNR: KAHC010491212021

NC: 2026:KHC:44794
CRL.P No. 10060 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 10060 OF 2021

BETWEEN:

B.S.PRATHAP
S/O LATE B B SHIVAPPA
AGED ABOUT 68 YEARS,
R/A KUMBARAHALLI ESTATE & POST,
YESLUR, SAKLESHPUR TALUK,
HASSAN DISTRICT - 573 134.

...PETITIONER

(BY SRI RAJATH, ADVOCATE FOR
SRI KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THE POLICE OF
SAKALESHPURA RURAL P S
HASSAN DISTRICT - 573 134.
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. SHRI SHRINATH CHIMALAGI
S/O NOT KNOWN
AGED ABOUT 29 YEARS,
OCC: GOVT. OFFICIAL
AGRICULTURE OFFICE
ALUR HASSAN DIST
HASSAN DISTRICT - 573 213.

...RESPONDENTS

(BY SRI MAHESHA P., HCGP FOR R1;
R2 - SERVED & UNREPRESENTED)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASHING THE CHARGE SHEET AND THE ENTIRE PROCEEDINGS IN CC.NO.363/2019 IN CR.NO.69/2019 REGISTERED FOR THE OFFENCES P/U/S 14 OF CHILD LABOUR (PROHIBITION AND REGULATION) AMENDMENT ACT AND SEC.188 OF IPC, PENDING ON THE FILE OF THE LEARNED CIVIL JUDGE (Jr.Dn) AND JMFC, SAKALESHPURA.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging chargesheet and entire proceedings in CC no. 363/2019 on file of Civil Judge and JMFC at Sakaleshpura for offences punishable under Section 188 of Indian Penal Code, 1860, (**IPC**) and Section 14 of Child Labour (Prohibition and Regulation) Amendment Act, 2016, (**Act**), this petition is filed.

2. Sri Rajath, learned counsel appearing for Sri Keerthana Nagaraj, advocate for petitioner submitted that petitioner was sole accused in complaint dated 16.04.2019 filed by respondent no.2 alleging that on 04.04.2019 at 10.30 am, during 2019 Lok Sabha Elections rally at Sakaleshpura certain children aged between 8 to 10 years were found holding party flags and banners and involved in election canvassing which was captured in photographs and videographs and noticed by Video



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Surveillance Team. Forwarding copies thereof, a direction was issued to complainant to file complaint. Based on complaint, Crime no.69/2019 was registered by Sakaleshpura Rural Police Station for offence under Section 188 of IPC and Section 14 of Act. It was submitted that on conclusion of investigation charge sheet was filed. Assailing same, this petition was filed.

3. It was contended that one of vital ingredients to sustain prosecution against accused would be identification and determination of age of children alleged to have participated in election campaigning. It was submitted, prosecution material was devoid of same. It was submitted some of children were identified. Therefore, based only on statements, there cannot be any conviction and continuation of proceedings under above circumstances would be abuse of process of law. In support of his submission, learned counsel relied on decision of this Court in Criminal Petition no.102191/2019 disposed of on 21.11.2019 (**Shivaraj Thangadgi's case**); Crl.P. no.3177/2025 [2026:KHC:27320] (**Channareddy Patil Tunnuru's case**), wherein on very same ground, proceedings were set at naught. On above grounds sought for allowing petition.



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4. Respondent no.2-complainant is served and unrepresented.

5. Sri Mahesha P, learned HCGP for respondent-State sought to oppose petition.

6. It was submitted that video recording and photographs were part of charge sheet material. Statements of eye witnesses were recorded and same were consistent about presence of children aged 8 to 10 years in election rally. Therefore, there was sufficient material for filing of charge sheet and question of age would be matter for trial. On said ground sought for dismissal.

7. Heard learned counsel and perused material on record.

8. This petition is by accused challenging charge sheet and entire proceedings for offences punishable under Section 188 of IPC read with Section 14 of Act. Main ground urged is about failure of prosecution to substantiate that any children aged 8 to 10 years as alleged were engaged in election rally. A perusal of prosecution material would reveal reliance on



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photographs and video recording of election rally as documentary evidence and statements of eye witnesses. In order to establish charges against accused for offence under Section 14 of Act as well as Section 188 of IPC for violation of Code of Conduct issued by Election Commission prohibiting engagement or employment of children for election campaign, prosecution would require to establish that children aged below 14 years were engaged. Prosecution material does not indicate identifying children engaged in election rally nor any material to indicate determination of their age. Without any material to establish same, continuation of proceedings for offences alleged would be futile. Besides, this Court in **Shivaraj Tangadagi** and **Channareddy Patil Tunnuru's** case has quashed prosecution on very same ground. In view of above, petition succeeds. Proceedings in CC no.363/2019 on file of Civil Judge and JMFC at Sakaleshpura for offence punishable under Section 188 of IPC and Section 14 of Act stand quashed.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 26