



CNR: KAHC010578502026

NC: 2026:KHC:46534  
CRL.P No. 12878 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**CRIMINAL PETITION NO. 12878 OF 2026**

**BETWEEN:**

1. PRASAD MINESH LAD  
WRONGLY MENTIONED AS  
VINAYAK PRASAD LAD IN CHARGESHEET  
S/O MINESH LAD,  
AGED ABOUT 55 YEARS,  
OCC: MEMBER OF MAHARASHTRA  
LEGISLATIVE COUNCIL (MLC)  
R/AT ATHARVA PLOT NO-61,  
BHAUDAJI ROAD,  
OPP. INDIAN GYMKHANA MATUNGA,  
MATUNGA,  
MUMBAI,  
MAHARASHTRA - 400019.

Digitally  
signed by  
PADMAVATHI  
B K

Location:  
High Court of  
Karnataka

...PETITIONER

(BY SRI. AIYAPPA K.G., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY GADAG RURAL POLICE STATION,  
REPRESENTED BY  
THE STATE PUBLIC PROSECUTOR,



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HIGH COURT OF KARNATAKA,  
HIGH COURT BUILDING,  
BENGALURU - 560 001.

2. BASAVARAJ SHIVAPUR,  
S/O MAHADEVAPPA,  
AGED MAJOR,  
BEHIND APMC,  
BAIRIDEVARAKOPPA,  
HUBBALLI,  
IN THE HUBBALLI-DHARWAD CITY  
KARNATAKA - 580025

...RESPONDENTS

(BY SRI. ANOOP KUMAR, ADDL. SPP FOR R1)

THIS CRL.P. IS FILED U/S 482 CR.P.C (U/S 528 BNSS) BY  
THE ADVOCATE FOR THE PETITIONER PRAYING TO a) SET  
ASIDE THE ORDER TAKING COGNIZANCE DTD 12.10.2023 IN  
CC.NO.1051/2023 PASSED BY THE LEARNED II ADDL. CIVIL  
JUDGE AND JMFC-II COURT, GADAG AND ALL THE  
SUBSEQUENT CRIMINAL PROCEEDINGS ARISING THEREWITH  
AT ANNEXURE-G, QUA THE PETITIONER AND ETC.

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



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

**ORAL ORDER**

Heard the learned counsel, Sri. Aiyappa K.G., appearing for the petitioner, Sri. Anoop Kumar, learned Addl. SPP appearing for respondent No.1 and have perused the material on record.

2. The petitioner is before this Court, seeking the following prayer:

- "a) Call for the relevant records;
- b) Set aside the Order taking Cognizance dated 12.10.2023, in C.C. No. 1051/2023 passed by the Learned II Addl. Civil Judge & JMFC-II Court, Gadag and all the subsequent criminal proceedings arising therewith at ANNEXURE-G qua the petitioner.
- c) Quash the Charge Sheet and all further criminal proceedings in C.C. No. 1051/2023 on the file of the Learned II Addl. Civil Judge & JMFC-II Court, Gadag, qua the Petitioner.
- d) Grant any such other reliefs as this Hon'ble Court may deem fit in light of the facts and circumstances of the case, in the interest of justice and equity."

3. Learned counsel appearing for the petitioner would submit that the issue in the *lis* stands covered by the judgment



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rendered by this Court in Crl.P.No.5790/2024 disposed on 26.09.2024, wherein it has held as follows:

"The petitioner is before this Court calling in question the registration of a crime in Crime No.45/2024 for offences punishable under Sections 295A, 505(2) and 171(G) of the IPC and under Sections 123(3A) and 125 of the Representation of People Act, 1951.

2. Heard the learned counsel Sri. Venkatesh P. Dalwai, appearing for the petitioner, the learned HCGP Sri. Thejesh P., appearing for respondent No.1 and Sri. Sharath Dodwad, learned counsel appearing for respondent No.2.

3. Learned counsel for the petitioner would submit that the issue in the *lis* stands covered by the judgment rendered by this Court in Crl.P.No.4917/2024 dated 29.08.2024, wherein it has held as follows:

*"3. A complaint comes to be registered on 30.04.2024 alleging that on 18.04.2024 when the candidate was conducting a march to filing the nomination for the Lok Sabha elections between 2.00 p.m. and 3.00 p.m., a speech is made by the petitioner against one Mr.Shivanand Patil, alleging that it amounted to character assassination, the complaint comes to be registered by the Election Officer alleging the aforesaid offences.*

*4. The registration of the crime has driven the petitioner to this Court in the subject petition. The issue would be whether the offence alleged under Section 171G of the IPC is met in the case at hand. Section 171G of the IPC reads as follows:*

*" 171G. **False statement in connection with an election.**--Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine."*



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*Section 171G of the IPC directs that whoever with an intent to affect the result of an election, makes or publishes any statement purporting to be a statement of fact which is false would become punishable.*

5. *The further mandate of Section 171G of the IPC is that false statement should be made of character or conduct of any candidate, who is contesting in the election. In the case at hand, the petitioner has allegedly spoken about the character of one Mr.Shivanand Patil. It is an admitted fact that the said person against whom the petitioner had spoken was not a candidate for the elections then. Therefore, Section 171G of the IPC would not be met. Though Section 171G of the IPC would spring into action not by a candidate but by whoever would make any statement, which would furnish the personal character or conduct of any candidate, it need not be another candidate in the election. In the case at hand, since the petitioner had made certain statements about one Mr.Shivanand Patil, who was not the candidate who was contesting for election, Section 171G of the IPC would not be met. The same goes with Section 123(4) of the Representation of People Act, 1951 and 1988.*

6. *In the light of the ingredient of the offence under Section 171G of the IPC not being met, permitting further investigation even in the case at hand would become an abuse of process of law and result in miscarriage of justice. The petition thus deserves to succeed with an observation that the finding herein would not become applicable or come in the way of any other proceedings pending between the parties before any other fora.*

7. *For the aforesaid reasons, the following:*

**ORDER**

- i) *The criminal petition is allowed;*
- ii) *The FIR in Crime No.28/2024 pending on the file of the learned Principal Civil Judge (Jr. Dn.) and J.M.F.C., Bagalkot District, Bagalkot, stand quashed."*



CNR: KAHC010578502026

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CRL.P No. 12878 of 2026

4. In the light of the order passed by this Court (*supra*) and for the reasons aforementioned, the following:

**ORDER**

- i) The criminal petition is allowed;
- ii) The FIR in Crime No.45/2024 pending on the file of the learned Senior Civil Judge and JMFC, Hunugunda, Bagalkot District, stand quashed."

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

**ORDER**

- (i) Criminal Petition is allowed.
- (ii) Proceedings in C.C.No.1051/2023 pending before the II Addl. Civil Judge and JMFC-II Court, Gadag, stand stand quashed, *qua* the petitioner.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

SJK  
List No.: 1 Sl No.: 8