



CNR: KAHC010797342025

NC: 2026:KHC:45205
CRL.P No. 16724 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 16724 OF 2025

BETWEEN:

SMT. MANJULA ARAVIND LIMBAVALI,
W/O SRI ARAVIND LIMBAVALI,
AGE 50 YEARS,
OCC: MLA,
ADDRESS: NO.6, RENUKA NILAYA,
9TH CROSS, ANNAYAPPA GARDEN,
HAL 3RD STAGE, NEW THIPPASANDRA,
BENGALURU - 560 075.

...PETITIONER

(BY SRI. VENKATESH DALWAI, ADVOCATE)

AND:

SRI. RAGHU G,
S/O GNANOBA,
AGE: 39 YEARS,
OCC: ASSISTANT ENGINEER,
ADDRESS WARD NO.28,
GARUDACHARPALYA,
HOODI SUB DIVISION,
BBMP MAHADEVAPURA ZONE,
OPP. PHOENIX MALL,
BENGALURU - 48.

...RESPONDENT

(RESPONDENT IS SERVED AND UNREPRESENTED)

Digitally signed
by
PADMAVATHI B
K
Location: High
Court of
Karnataka





CNR: KAHC010797342025

NC: 2026:KHC:45205
CRL.P No. 16724 of 2025

THIS CRL.P. IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CC.NO.4202/2023, PENDING ON THE FILE OF LEARNED ACJM RURAL COURT, BENGALURU RURAL, FOR THE OFFENCE P/U/S 123(2) OF REPRESENTATION OF PEOPLES ACT, 1951, U/S 188 OF IPC, PRODUCED AT ANNEXURE-A.

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

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

ORAL ORDER

The petitioner is before this Court calling in question the proceedings in C.C.No.4202/2023 registered for the offences punishable under Sections 123(2) of the Representation of People Act, 1951 read with Section 188 of the IPC.

2. Heard Sri. Venkatesh Dalwai, learned counsel appearing for the petitioner and have perused the material on record.



CNR: KAHC010797342025

NC: 2026:KHC:45205
CRL.P No. 16724 of 2025

3. Facts adumbrated are as follows:

The petitioner is said to have campaigned for the elections on 29.04.2023 at several places. The respondent alleging that campaign has gone on beyond the prescribed hours of the election commission seeks to register a private complaint for the afore-quoted offences. Therefore, it is an amalgam of Section 188 of the IPC and 123(2) of the Representation of People Act, 1951.

4. Learned counsel appearing for the petitioner submits that the respondent was not the authority, he could have registered the private complaint against the petitioner. It is the person, who has promulgated prohibitive orders under Section 188 of the IPC, could be the only person who could do it. He would seek to place reliance upon the judgment of this Court in Crl.P.No.12996/2023 disposed on 22.08.2024. This Court at paragraph No.7 has held as follows:

"7. The afore-narrated facts are not in dispute. The entire issue has now triggered from the registration of the complaint. The complaint so registered by the respondent reads as follows:

*"ಆರೋಪಿ: ಶ್ರೀ. ಬಸನಗೌಡ ಆರ್. ಪಾಟೀಲ (ಯತ್ನಾಳಿ), ವಯಾ: 59 ವರ್ಷ, ಜಾತಿ : ಹಿಂದೂ
ಲಿಂಗಾಯತ, ಉದ್ಯೋಗ: ಸಮಾಜ ಸೇವೆ, ಸಾ: ಗದಗ ತಾ: ಜಿ: ಗದಗ*



CNR: KAHC010797342025

NC: 2026:KHC:45205
CRL.P No. 16724 of 2025

:: ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕಲಂ 200 ರ ಅಡಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿ ::

ಈ ಮೂಲಕ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಾದರಪಡಿಸುವ ಫಿರ್ಯಾದಿ ಏನೆಂದರೆ

ನನಗೆ ಮುಂಬರುವ ವಿಧಾನಸಭಾ ಚುನಾವಣೆ ಪ್ರಯುಕ್ತ 66-ಗದಗ ಮತಕ್ಷೇತ್ರದ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ಗದಗ ತಾಲ್ಲೂಕಿನ ಶಹರದಲ್ಲಿ ನಡೆಯುವ ಚುನಾವಣಾ ಚಟುವಟಿಕೆಗಳ ಮೇಲೆ ನಿಗಾವಹಿಸಲು ಪ್ಲೈಯಿಂಗ್ ಸ್ಟಾಡ್ ತಂಡ ನೇಮಿಸಿದ್ದು, ನನಗೆ ಬೆಂಗಾವಲಾಗಿ ಗದಗ ಶಹರ ಪೊಲೀಸ್ ಠಾಣೆಯ ಸಹಾಯಕ ಪೊಲೀಸ್ ಉಪನಿರೀಕ್ಷಕರು ಶ್ರೀ. ಎಸ್. ಡಿ. ಚವ್ವಾಣ ಇವರಿಗೆ ನೇಮಕ ಮಾಡಿದ್ದು ಇರುತ್ತದೆ. ನಮ್ಮ ತಂಡಕ್ಕೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಯೋಜನಾ ವಿಭಾಗ, ಗದಗ ಇವರ ಕಾರ್ಯಾಲಯದ ಸ್ಟಿಫ್ಟ್ ಡಿಜಾಯರ್ ವಾಹನ ಸಂಖ್ಯೆ: ಕೆಎ 26 ಬಿ 2736 ನೇದ್ದನ್ನು ಪೂರೈಸಿದ್ದು ಅದಕ್ಕೆ ಶ್ರೀ. ಮಹೇಶ ಕೋಳಿವಾಡ ಇವರನ್ನು ಹೊರ ಗುತ್ತಿಗೆ ಆಧಾರದ ಮೇಲೆ ವಾಹನ ಚಾಲಕರಾಗಿ ನೇಮಿಸಿದ್ದು ಇರುತ್ತದೆ.

ನಾವು ನಮಗೆ ನೇಮಿಸಿದ ಕರ್ತವ್ಯವನ್ನು ನಿರ್ವಹಿಸುತ್ತಾ ಇದ್ದಾಗ, ಗದಗ ನಗರದಲ್ಲಿ ಬಿಜೆಪಿ ಅಭ್ಯರ್ಥಿ ಮೆಣಸಿನಕಾಯಿ ಪರ ಚುನಾವಣಾ ಪ್ರಚಾರದ ಬಳಿಕ ಮಾಧ್ಯಮಗಳ ಪ್ರತಿನಿಧಿಗಳ ಜೊತೆ "ಎಲ್ಲಾ ಹಿಂದೂಗಳು ಬಾಯ್ಕಟ್ ಮಾಡತೀವಿ" ಅಂತ ಶ್ರೀ. ಬಸನಗೌಡ ಆರ್. ಪಾಟೀಲ (ಯತ್ನಾಳಿ) ಇವರು ಗಡಿನಾಡ ಕ್ರಾಂತಿ ಯೂಟುಬ್ ಚಾನೆಲ್‌ನಲ್ಲಿ ಹೇಳಿಕೆ ನೀಡಿರುವ ಕುರಿತು ಪರಿಶೀಲನೆ ನಡೆಸಲು ಮಾನ್ಯ ಚುನಾವಣಾಧಿಕಾರಿಗಳು, 66-ಗದಗ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ ಗದಗ ಇವರ ಕಾರ್ಯಾಲಯದಿಂದ ಚುನಾವಣಾ ಮಾದರಿ ನೀತಿ ಸಂಹಿತೆ ಉಲ್ಲಂಘನೆ ಆಗಿರುವುದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಸದರಿ ಪ್ರಕರಣದ ಬಗ್ಗೆ ದೂರು ದಾಖಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಪರಕರಣದ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸಲಾಗಿ ದಿ: 02/05/2023 ರಂದು ನಡೆದ ಗದಗ ನಗರದಲ್ಲಿ ಬಿಜೆಪಿ ಅಭ್ಯರ್ಥಿ ಮೆಣಸಿನಕಾಯಿ ಪರ ರೋಡ್ ಶೋ ಬಳಿಕ ಮಾಧ್ಯಮಗಳ ಜೊತೆ ಮಾತನಾಡಿದ ಅವರು ಮೀಸಲಾತಿ ವಿಚಾರವಾಗಿ ಕೇಳಿದ ಪ್ರಶ್ನೆಗೆ ಈ ಉತ್ತರ ನೀಡಿರುತ್ತಾರೆ, ಯೂಟುಬ್ ಯೋಯೋ ಚಾನೆಲ್‌ನ ಒಟ್ಟು 1:45 ನಿಮಿಷದ ವಿಡಿಯೋದಲ್ಲಿ 1:11 ರಿಂದ 1:15 ನಿಮಿಷದ ಅವಧಿಯಲ್ಲಿ ಈ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿರುತ್ತಾರೆ.

ಈ ಮೇಲಿನ ಎಲ್ಲಾ ಅಂಶಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸದರಿ ಪ್ರಕರಣವನ್ನು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ 188 ಕಲಂ ಅಡಿಯಲ್ಲಿ ದಾಖಲು ಮಾಡಿಕೊಳ್ಳಲು ಈ ಮೂಲಕ ಮಾನ್ಯರಲ್ಲಿ ಗೌರವ ಪೂರ್ವಕವಾಗಿ ವಿನಂತಿಸಲಾಗಿದೆ.

ಸ್ಥಳ: ಗದಗ
ದಿ: 08/05/2023

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಸಹಿ/-

ಮಂಜುನಾಥ ಸುಭಾಸಚಂದ್ರ ಕಲಬುರ್ಗಿ
(ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಯೋಜನಾ
ಉಪವಿಭಾಗ ಗದಗ ಹಾಗೂ 66-ಗದಗ
ಮತಕ್ಷೇತ್ರ ಎಫ್. ಎಸ್. ಟಿ. ಗದಗ ಶಹರ
ಅಧಿಕಾರಿ)"



CNR: KAH010797342025

NC: 2026:KHC:45205
CRL.P No. 16724 of 2025

The concerned Court takes cognizance of the offence and issues summons to the petitioner. The order of taking of cognizance reads as follows:

"Perused the complaint, and the documents along with it.

The complainant Sri. Manjunath Kalburgi, Assistant Engineer PMGSY, Gadag being the Flying Squad officer has filed the present private complaint U/sec 200 of Cr.P.C alleging

commission of offence by the accused U/sec 188 of IPC.

It is alleged that the accused by name Sri. Basanagouda R. Patil (Yatnal) after his election campaign held at Gadag town in support of the party candidate has made a statement saying that all the Hindus would boycott the Congress party, thereby violating the election model code of conduct. It is stated that the video clip of the said statement made by the accused has been uploaded in the youtube. It is alleged that the accused having violated the model code of conduct has committed the offence punishable U/sec 188 of IPC.

The complainant has also produced a CD containing the video clip of the alleged statement made by the accused along with certificate U/sec 65B of the Indian Evidence Act.

Since the complainant being a public servant has filed the complaint in writing the discharge of his official duty, the statement U/sec 200 of Cr.P.C is dispensed with.

In view of the averments of the complaint and the documents produced by the complainant, this court is of the opinion that, there is sufficient ground to proceed against the accused for the offence punishable U/sec 188 of IPC. Hence, this court proceeds to pass the following:

-: ORDER:-

Cognizance of offence U/sec 188 of IPC is taken.



CNR: KAHC010797342025

NC: 2026:KHC:45205
CRL.P No. 16724 of 2025

Office to register criminal case against the accused for the offence punishable under section 188 of IPC and issue summons to the accused.

R/by: 7-07-2023."

The offence for which cognizance is taken and summons issued is the one punishable under Section 188 of the IPC. Section 188 of the IPC reads as follows:

"188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,

shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both:

and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm."

Section 188 of the IPC does not stop at a disobedience to order duly promulgated by a public servant, the consequences of which forms the soul of the provision. It mandates that such disobedience should cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any persons lawfully employed or it must tend to cause danger to human life, riot or affray. None of these things have happened in the case at hand, as it is an interview given to the you tube channel is what



CNR: KAHC010797342025

is made the subject matter of complaint. The risk of obstruction or disobedience of an order duly promulgated cannot even be imagined in the case at hand. The explanation would indicate that it is not necessary that the offender should intend to produce harm or contemplates his disobedience which is likely to result in some harm, but it is sufficient that, he knows of the order which he disobeys that is likely to produce harm. A perusal at the complaint or the summary of the charge sheet would not even meet the explanation in the case at hand. In that light permitting further proceedings *qua* the petitioner would become an abuse of the process of law and result in miscarriage of justice."

5. Therefore, in the light of the legality standing answered whether it would become applicable to the facts obtaining in the case at hand is necessary to be noticed. The complaint as observed hereinabove is the Assistant Engineer working in a particular ward in the BBMP. The rally was conducted without the permission from the hands of the Competent Authority. Therefore, it was the Competent authority alone that ought to have complained and not the respondent. The admitted fact that the respondent is not the Competent Authority and complaint is not registered by anybody else. The petition deserves to succeed as it stands answered by the aforesaid judgment.



NC: 2026:KHC:45205
CRL.P No. 16724 of 2025

CNR: KAHC010797342025

6. For the aforesaid reasons, the following:

ORDER

- i. The petition is allowed.
- ii. Proceedings in C.C.No.4202/2023 pending before the Additional CJM Rural Court, Bengaluru, stands quashed *qua* the petitioner.

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

SJK
List No.: 1 Sl No.: 25