HC-KAR

NC: 2026:KHC:63689
WP No. 2455 of 2022

CNR: KAHC010054282022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 2455 OF 2022 (GM-RES)

BETWEEN:

MALLIKARJUNA C,
S/O CHANDRASHEKAR M,
AGED ABOUT 31 YEARS,
NO.25 SHARDHA NILAYA,
OMSHREE PUBLIC SCHOOL ROAD,
3RD CROSS, M.V. EXTENSION,
HOSAKOTE TOWN,
BENGALURU RURAL-562114.

...PETITIONER

(BY SRI. VASUDEVAN H.N, ADVOCATE)

AND:

Digitally signed by CHETAN B C
Location: High Court of Karnataka

1. STATE OF KARNATAKA,
REPRESENTED BY
HOSAKOTE TOWN POLICE STATION,
BENGALURU RURAL DISTRICT,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR B R AMBEDKAR VEEDHI,
BENGALURU-560001.

2. MR. C.M. RAJU,
SUB-INSPECTOR OF POLICE,
HOSAKOTE TOWN POLICE STATION,

HOSAKOTE TOWN,
BENGALURU RURAL-562114.

…RESPONDENTS

(BY SMT.WAHEEDA M.M., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO CALL FOR RECORDS; QUASH THE FIR REGISTERED IN CRIME NO.0165/2021 REGISTERED BY THE R-1 BEFOE THE HONBLE COURT OF PRINCIPAL CIVIL JUDGE AND JMFC, HOSAKOTE AS PER THE IMPUGNED FIR AT ANNEXURE-A AS AGAINST THE PETITIONER / ACCUSED NO.19 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 79 OF THE KP ACT, SECTION 66 (D) OF THE IT ACT AND SECTION 420 OF IPC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Vasudevan H.N., learned counsel for the petitioner, Smt.Waheeda M.M., learned High Court Government Pleader for respondent Nos.1 and 2.

2. Petitioner herein has filed the present Writ Petition under Articles 226 and 227 of the Constitution of India read

with Section 482 of the Code of Criminal Procedure, with the following prayers:

"(i) Call for records;

(ii) Issue a writ or order in the nature of Certiorari by quashing the FIR registered in Crime No.0165/2021 registered by the Respondent No.1 before the Hon'ble Court of Principle Civil Judge and JMFC, Hosakote as per the impugned FIR at ***Annexure A*** *as against the Petitioner/Accused No.19 for the alleged offences punishable under section 79 of the KP Act, section 66 (D) of the IT Act and section 420 of IPC.*

(iii) Pass such other order or orders as deemed fit in the circumstances of the case, in the interest of justice & equity."

3. Petitioner has been complained of committing an offence under Section 79 of the Karnataka Police Act, 1963 read with Section 66(D) of the Information Technology Act, 2000 and Sections 34, 420 of the Indian Penal Code, 1860.

4. Petitioner is shown as accused No.19. No recovery has taken place from the petitioner.

5. The very registration of the case is called in question by the petitioner by contending that except a vague allegation that the petitioner was present in the place of incident, no other material is forthcoming and as such, continuation of the criminal case against the petitioner is nothing but futile exercise besides abuse of process of law and sought for allowing the petition.

6. *Per contra,* Smt.Waheeda M.M., learned High Court Government Pleader would contend that the petitioner was very much present at the place of incident and therefore, he has been arraigned as accused by the investigation agency and cricket betting with the aid of the electronic gadgets is rampant and petitioner having been found in the place of incident, in the raid, cash in a sum of Rs.57,500/- and four mobile telephones having been seized, itself shows the gravity of the offence and thus, sought for dismissal of the petition.

7. Having heard the arguments of both sides, this Court noted that no recovery has taken place from the petitioner. Four mobile telephones nor the cash is not belonging to the petitioner either. As rightly contented by the counsel for the petitioner, the only allegation made against the petitioner is that he was also present in the place of incident.

8. Taking note of the fact that the petitioner is aged 31 years and is working as a private conductor, involvement of the petitioner in the alleged incident is remote. Accordingly, a case is made out for quashing the pending proceedings *qua* the petitioner alone. Hence, the following:

O R D E R

[I] Petition is ***allowed***.

[II] Pending proceedings in crime No.165/2021 registered by respondent No.1 before the Principal Civil Judge and JMFC, Hosakote, *qua* the petitioner stands quashed.

[III] It is made clear that this order shall not be treated as a precedent insofar as the other accused persons and such request, if any, shall be considered on merit.

Sd/-
(V SRISHANANDA)
JUDGE

CBC
List No.: 1 Sl No.: 39