HC-KAR

CNR: KAHC010112522024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1906 OF 2024

BETWEEN:

1. MALINI UDUPA @ MALINI J UDUPA
W/O JANARDHANA UDUPA,
AGED ABOUT 54 YEARS,
SHOP AT SHRIDHARA DIGITAL PRINTERS
AND ELECTRICAL,
VINOBANAGAR,
SAGAR, SHIVAMOGGA-577 401

2. V.K VIJAYA KUMAR @ VIJAY KUMAR
S/O KRISHNAMURTHY,
R/AT 20, MARIKANBA ROAD,
SAGAR, SHIMOGGA,
KARNATAKA-577 401

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. HITESH GOWDA B.J, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SAGAR TOWN PS,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.

2. NATARAJA K.R
AGE ABOUT MAJOR,
FATHER NAME NOT KNOWN,
KANNADA PRIMARY SCHOOL,
ANANDAPURA,
FLYING SQUAD, OFFICER FST 5B,
ANANDAPURA HOBLI,
SHIVAMOGGA,
KARNATAKA-577 412.

…RESPONDENTS

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

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS IN C.C.NO.1113/2023 AT ANNEXURE-A FOR THE OFFENCE P/U/S 127A OF THE REPRESENTATION OF PEOPLE ACT, 1950, PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C., SAGAR, SHIVAMOGGA.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioners - accused Nos.1 and 2 in C.C.No.1113/2023 (arising out of Crime No.83/2023 registered by Sagar Town Police Station), for the offences

punishable under sections 127A of Representation of People Act, 1950, 1951, 1989 (for short, 'the Act'), presently pending on the file of Prl. Civil Judge and JMFC, Sagar, Shivamogga (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 20.04.2023 alleging that he was working as a teacher and was also part of Flying Squad Team (FST-5B) at Kannada Primary School, Anandapura Hobli, Shivamogga. On 19.04.2023 at about 12.00 noon, the Police Sub-Inspector, along with the Tahsildar and members of the FST, visited the printing press of petitioner No.1. At that time, petitioner No.1 was not present in the printing press. However, the respondent No.2 seized 2,000 pamphlets printed by petitioner No.1 on the request of petitioner No.2. It is further alleged that petitioner No.2 had not obtained the requisite approval from the Election Commission for printing the said pamphlets. Consequently, notice was issued to petitioner No.1 by the Executive Officer/MCC Nodal Officer, Sagar, Shivamogga, calling upon him to explain why the requisite approval had not been

obtained before printing the pamphlets relating to the Aam Aadmi Party, of which petitioner No.2 is stated to be the Chief Secretary. Hence, the complaint was lodged by respondent No.2 against the petitioners.

3. On the strength of the said complaint, the respondent No.1-Police registered the FIR in Crime No.83/2023 dated 20.04.2023 for the aforementioned offence. Subsequently, the respondent No.1-Police investigated the case and laid charge sheet against the petitioners-accused Nos.1 and 2 for the aforementioned offence. Accordingly, the learned Magistrate took cognizance of the offence. Aggrieved by the same, the petitioners preferred this petition.

4. Heard the learned counsel for the petitioners and learned HCGP. There is no representation for the respondent No.2.

5. The primary contention of the learned counsel for the petitioners is that, the FIR and charge-sheet averments disclose an alleged violation of Section 127A of the Act on the ground that the petitioners had not obtained prior approval

from the Election Authority before printing the pamphlets. He contended that Section 127A(2)(b) of the Act requires the printer, within a reasonable time after printing the pamphlets or documents, to send one copy of the declaration along with a copy of such documents to the concerned authority. In the present case, the pamphlets were only printed and had not been circulated, as is evident from the complaint itself. He further relied upon the tax invoice and pro forma submitted in respect of the printing of election pamphlets and contended that the same disclose that the pamphlets were printed on 19.04.2023 and the declaration was made on 20.04.2023, i.e., within a reasonable time. Therefore, there was no violation of Section 127A of the Act. It is further contended that the complaint was lodged out of vengeance against petitioner No.2, who was the Chief Secretary of the Aam Aadmi Party, at the instance of the ruling party. Accordingly, he prays to allow the petition.

6. *Per contra,* learned HCGP opposed the prayer of the petitioners contending that the charge sheet has already been filed and the documents produced by the petitioners,

particularly the pro forma for submission of information regarding printing of election papers, pamphlets, etc., disclose that the requisite permission was obtained only on the day subsequent to the printing of the pamphlets. According to him, the petitioners were required to submit the pro forma to the concerned authority prior to printing the pamphlets. Hence, the alleged violation requires consideration during trial. Accordingly, he sought dismissal of the petition.

7. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and also perused the materials on record.

8. On careful perusal of the complaint and charge-sheet averments, the primary allegation against the petitioners is that they violated Section 127A of the Act by printing pamphlets pertaining to the 2023 Assembly elections in the name of the Aam Aadmi Party. Section 127A(2)(b) of the Act requires the printer to send, within a reasonable time after printing the documents, one copy of the declaration along with a copy of the printed documents to the concerned electoral officer. In the present case, the invoices produced by the

learned counsel for the petitioners disclose that petitioner No.1 printed the pamphlets on 19.04.2023 at Sreedhara Digital Printers and Electricals at the instance of petitioner No.2. Subsequently, on the very next day, i.e., 20.04.2023, petitioner No.2 submitted the pro forma containing the requisite information regarding printing of election posters, pamphlets, etc., to the Electoral Officer. Further, a perusal of the pamphlets discloses that the other requirements contemplated under Section 127A of the Act have also been complied with by the petitioners. Thus, in terms of Section 127A(2)(b) of the Act, the declaration was submitted within a reasonable time, i.e., on the very next day of printing the pamphlets. Therefore, it cannot be said that the petitioners failed to submit the declaration within a reasonable time or otherwise violated the said provision. Admittedly, there is no contravention of any other requirement under Section 127A of the Act or any other provision of the Act.

9. Moreover, as rightly contended by the learned counsel for the petitioners, respondent No.2 proceeded to raid the printing press on 19.04.2023, though admittedly, the

pamphlets had not been circulated by the petitioners. The aforesaid circumstances, coupled with the material on record, indicate that the complaint came to be lodged against the petitioners with an ulterior motive of wreaking vengeance.

10. In view of the foregoing discussion, I am of the considered view that the allegations contained in the complaint and charge-sheet do not, *prima facie*, make out a case against the petitioners for the offences for which they have been charge-sheeted. Hence, continuation of the proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

O R D E R

i. The petition is ***allowed***.

ii. The proceedings against the petitioners - accused Nos.1 and 2 in C.C.No.1113/2023 (arising out of Crime No.83/2023 registered by Sagar Town Police Station), for the offences punishable under sections 127A of Representation of People Act, 1950, 1951, 1989, pending on

the file of Prl. Civil Judge and JMFC, Sagar, Shivamogga, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 7