HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 2580 OF 2026

BETWEEN:

MR. SUDESH SHETTY,
(AS PER AADHAR CARD),
AGED 32 YEARS,
S/O SURESH SHETTY,
R/AT 4-1-21C, RATHNA VIHAR N.H.17,
SANTHOSH NAGAR, AMBALPADY POST,
UDUPI - 576 103.

...PETITIONER

(BY SRI. GANAPATHI BHAT., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH THE INSPECTOR OF POLICE,
PADUBIDRI POLICE STATION,
UDUPI DISTRICT,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 01.

2. MR. ANIL KUMAR T NAIK,
AGED 38 YEARS,
FATHER S NAME NOT KNOWN,
SUB INSPECTOR OF POLICE,
PADUBIDRI POLICE STATION,

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

UDUPI DISTRICT - 574 111.

…RESPONDENTS

(BY SRI.CHANNAPPA ERAPPA, HCGP FOR R1)

THIS CRL.P. IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR DATED 10/12/2025 IN CRIME NO.0145/2025 OF A PADUBIDRI POLICE STATION UDUPI DISTRICT REGISTERED FOR OFFENCES PUNISHABLE UNDER SECTIONS SECTION 78 OF THE KARNATAKA POLICE ACT, 1963 AND SECTION 112 OF THE BHARATIYA NYAYA SANHITA, 2023 PENDING ON THE FILE OF ADDL. SENIOR CIVIL JUDGE AND ACJM, UDUPI DISTRICT IN SO FAR AS PETITIONER HEREIN/ACCUSED NO.2 IS CONCERNED.

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. Ganapathi Bhat, appearing for the petitioner, Sri. Channappa Erappa, learned HCGP appearing for respondent No.1 and have perused the material on record.

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

> "1. Quash the FIR dated 10/12/2025 in Crime No. 0145/2025 of Padubidri Police Station Udupi District registered for offences punishable under Sections Section 78 of the Karnataka Police Act, 1963 and Section 112 of the Bharatiya Nyaya Sanhita, 2023

pending on the file of Addl. Senior Civil Judge and ACJM, Udupi District in so far as Petitioner herein/Accused no.2 is concerned;

2. Grant such other and further reliefs as this Hon'ble court deems fit to grant under the 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 rendered by this Court in Crl.P.No.5827/2021 disposed on 10.06.2022, wherein it has held as follows:

> "The petitioner is before this Court calling in question the proceedings in Crime No.165/2021 registered for offences punishable under Sections 79 of the Karnataka Police Act, 1963, Section 66D of the Information Technology Act, 2000 and Section 420 and 34 of the IPC, 1860, pending before the Additional Civil Judge and JMFC, Hosakote, Bengaluru Rural. Petitioner is accused No.4.
>
> 2. Brief facts of the case leading to the filing of the case at hand are as follows:
>
> The case of the prosecution is that, on 26.04.2021, at about 9.30 a.m., C.M.Raju, PSI - the complainant received a credible information that within the jurisdiction of Hosakote Police Station, three individuals were indulged in playing IPL cricket betting. They were also booking betting for future matches about the winning and losing possibilities of various team and used an APP / Website by name JUNGLE BET.COM, to check the betting ratio and used mobile phones. They used WhatsApp to contact the customers, Google Pe, Phone Pe to transfer money to bank accounts and conduct gambling, involving money transaction to deceive general public. After which, FIR came to be registered for the offences as afore-quoted.

3. Heard Sri.Krishnamoorthy D., learned counsel appearing for the petitioner and Sri K.S.Abhijith, learned High Court Government Pleader for respondent No.1.

4. Learned counsel for the petitioner submits that the issue in the petition stands covered by an order passed by a Co-ordinate Bench of this Court in ***CRL.P.NO.2929/2020 AND CONNECTED MATTERS D.D. ON 10.01.2022***, wherein, it has held that betting does not come within the ambit of the definition of 'gaming' as found in Karnataka Police Act.

5. Learned High Court Government Pleader appearing for the respondents would accept the submissions of the learned counsel for the petitioner.

6. This Court in Crl.P.No.2929/2020 disposed on 10.01.2022, has held as follows:

> *"8. I have considered the arguments. Firstly, one point of argument regarding registration of an FIR is to be dealt with. All the counsel for the petitioners have fussed over this aspect. It is true that the second respondent made a report to the Cubbon Park police for registration of FIR on the basis of information that he gathered while interrogating a player in connection with Crime No. 124/2019. It appears that the information the second respondent gathered is in the form of confession of an accused and this is the reason for taking strong objection for registration of FIR in Crime No. 197/2019 which has given rise to charge sheet in the case on hand. Of course there is substance in the argument that the confession statement of an accused given before the police cannot be referred to in view of bar contained in section 25 of the Indian Evidence Act. But, the said bar is to the extent of proving the confession against the accused who made it, there is no prohibition as such to make use of any information that a police officer comes to know for the first time regarding a crime which might have taken place in the past and not detected till then, while interrogating an accused in connection with another case of crime. Supposing that an accused himself goes to police station and gives information about the*

offence committed by him, the police in such a circumstance can very well register an FIR and this proposition is well established ***[Faddi vs State of Madhya Pradesh, (AIR 1964 SC 1850) and Aghnoo Nagesia vs State of Bihar (AIR 1966 SC 119)]****. If this is the position, why a statement given by a co-accused regarding another crime cannot be made use of for registration of FIR. In fact many incidents of theft, robbery or dacoity come to light only during such interrogations. It may be stated further that such statement can be made use of only for the limited purpose of registration of FIR and it cannot be used for proving it against an accused. Registration of FIR is not the end in itself and it is not a substantive piece of evidence also. Mere registration of FIR in this manner does not lead to convicting an accused, investigator has to collect independent evidence and further the prosecution must be able to prove its case beyond reasonable doubt. Therefore the entire argument that statement of a co-accused during interrogation in connection with some other crime cannot form basis for registration of FIR is totally unfounded.*

9. Regarding the argument of Sri Hashmath Pasha that statement recorded by respondent No.2 during investigation in Crime No. 124/2019 has not been produced, it is to be stated that production of such a statement is not necessary. FIR is to be registered based on the information relating to commission of a cognizable offence. According to respondent No.2 he collected that information during interrogation in Crime No. 124/2019. It was a confessional statement of an accused and it forms part of the record in Crime No. 124/2019. While a copy of that statement could have been produced along with report made by respondent No.2 to the Cubbon Park police, its non-production has least effect for, even if it is produced, it cannot be proved against the accused in the present case. The report of respondent No.2 shows information that he collected regarding match fixing for the KPL matches of the season 2019 and this much of information can certainly be basis for registration of FIR if really an offence has been

committed. Therefore this argument is also not acceptable.

10. However, the other common point urged by all the counsel is worth acceptance. According to the prosecution match fixing amounts to cheating and therefore the offence under section 420 IPC has been invoked in the charge sheet. For invoking offence under section 420 IPC, the essential ingredients to be present are deception, dishonest inducement of a person to deliver any property or to alter or destroy the whole or any part of a valuable security. It was argued by Sri Dhyan Chinnappa that the cricket lovers go to watch the match by buying tickets and thereby they are induced to part with their property, i.e., their money. Of course money is a property, but his argument that they are induced to buy tickets cannot be accepted. They may have a feeling that they are going to witness a fair game being played, but, they buy the tickets voluntarily. So, question of inducement to buy ticket can be ruled out.

11. It is true that if a player indulges in match fixing, a general feeling will arise that he has cheated the lovers of the game. But, this general feeling does not give rise to an offence. The match fixing may indicate dishonesty, indiscipline and mental corruption of a player and for this purpose the BCCI is the authority to initiate disciplinary action. If the bye-laws of the BCCI provide for initiation of disciplinary action against a player, such an action is permitted but, registration of an FIR on the ground that a crime punishable under section 420 IPC has been committed, is not permitted. Even if the entire charge sheet averments are taken to be true on their face value, they do not constitute an offence.

12. One of the petitioners is a bookie said to have involved in betting. Sri Hashmath Pasha has relied upon a judgment of the Supreme Court in ***Board of Control for Cricket vs Cricket Association of Bihar and Others [2016 (8) SCC 535]*** *where it is observed that betting is to be legalized. It was argued by the respondent that betting amounts*

to gaming which is an offence under the Karnataka Police Act. If section 2(7) of Karnataka Police Act is seen, its explanation very clearly says that game of chance does not include any athletic game or sport. Cricket is a sport and therefore even if betting takes place, it cannot be brought within the ambit of definition of 'gaming' found in Karnataka Police Act.

13. Sri Dhyan Chinnappa argued that section 120B of IPC is an independent offence and therefore notwithstanding the fact that ingredients for section 420 IPC can be said to be not there for argument sake, still the accused can be prosecuted for offence under 120B and in this regard he has placed reliance on the judgment of a co-ordinate bench of this court in the case of ***Sachin Narayan vs Income Tax Department and Another (W.P.5299/2019 and connected writ*** *petitions**).*** *There is no second word with regard to his argument that section 120B is an independent offence but, to invoke this offence of conspiracy, as has been argued by Sri Hashmath Pasha, the allegations found in the charge sheet must constitute an offence in connection with which conspiracy is alleged. As discussed above, the allegations found in the charge sheet do not constitute an offence under section 420 IPC and therefore offence under section 120B cannot be invoked in the facts and circumstances. Therefore the argument of Sri Dhyan Chinnappa cannot be accepted.*

14. From the foregoing discussion, I come to conclusion that all these petitions deserve to be allowed. The proceedings against the petitioners in C.C.2939/2020 on the file of I ACMM, Bengaluru, are quashed."

In light of the afore-extracted order, the issue in the case at hand covers on all its fours. Therefore, I deem it appropriate obliterate the proceedings initiated against the petitioner.

7. For the aforesaid reasons, the following:

ORDER

(i) The criminal petition is allowed.

(ii) The proceedings in Crime No.165/2021, pending before the Additional Civil Judge and JMFC, Hosakote, Bengaluru Rural, stand quashed."

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 proceedings in Crime No.0145/2025 registered by Padubidri Police Station, Udupi District, stand quashed *qua* the petitioner.

Sd/-
(M.NAGAPRASANNA)
JUDGE

SJK
List No.: 1 Sl No.: 27