HC-KAR

NC: 2026:KHC:59936
WP No. 9480 of 2024

CNR: KAHC010178962024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.9480 OF 2024 (GM-RES)

BETWEEN:

SRI PRAKASH MURTHY M
S/O MURTHAPPA S
AGED ABOUT 44 YEARS,
R/AT C/O CHIKKA RAMAIAH
NEAR SHARATH SCHOOL
KEMPEGOWDA CIRCLE
RAMANAGARA TOWN-562 129

...PETITIONER

(BY SRI PRADEEP H S, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KODIHALLI POLICE STATION
KANAKAPURA-562 159
RAMANAGARA DISTRICT
REP. BY SPP
HON'BLE HIGH COURT OF KARNATAKA
BENGALURU-560 001

2. THE DIRECTOR GENERAL OF POLICE
CORPS AND DETECTIVES
PALACE ROAD
BENGALURU-560 001

3. SRI T S NAGARAJA RAO
S/O SUBBARAYAPPA
RETD. BEO,

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

AGED ABOUT 75 YEARS,
R/AT SOMENAHALLI
GUDIBANDE TALUK
CHIKKABALLAPURA-562 101

…RESPONDENTS

(BY SMT.K.P.YASHODHA, ADDITIONAL GOVERNMENT ADVOCATE FOR R1 AND R2;

SRI S.A.SUDHINDRA, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE ENTIRE CHARGE SHEET AND PROCEEDINGS IN CC NO.449/2006 FILED BY THE R-2 /COD PUNISHABLE UNDER SECTION 120(B), 468, 471, 465, 420 R/W 511 AND 34 OF INDIAN PENAL CODE ON THE FILE OF II ADDL CIVIL JUDGE (JR DVN) AND JMFC, KANAKAPURA SO FAR AS CONCERNED TO THIS PETITIONER VIDE AT ANNEXURE-A AND C ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Pradeep H.S. learned counsel for the petitioner, Sri S.A.Sudhindra, learned counsel for respondent No.3 and Smt.K.P.Yashodha, learned Additional Government Advocate for respondent Nos.1 and 2.

2. At the outset, it is noted that without obtaining the sanction order to prosecute the petitioner, charge sheet came to be filed against the petitioner who is a Government servant and discharged the duty as First Division Assistant at the time of the alleged incident.

3. Without the sanction order, filing of the charge sheet and further proceeding thereof has thus vitiated the entire proceedings.

4. Hence, a case is made out to quash the order taking cognizance and remit the matter to the Trial Court *qua* the petitioner for the purpose of obtaining necessary sanction order and proceed with the case.

5. Hence, the following:

ORDER

(i) Petition ***allowed***.

(ii) Order taking cognizance *qua* the petitioner is hereby quashed.

(iii) However, the Investigation Agency is at liberty to obtain necessary order of sanction to prosecute the petitioner and file additional/ supplementary charge sheet, in accordance with law.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 41