HC-KAR
NC: 2026:KHC:61507
CRL.P No. 7651 of 2026
CNR: KAHC010372502026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 7651 OF 2026

BETWEEN:

SRI CHANDRU LAMANI,
(SITTING MLA SHIRAHATTI
LEGISLATIVE ASSEMBLY CONSTITUENCY),
S/O KUBERAPPA LAMANI,
AGED ABOUT 37 YEARS,
R/AT MAHANTESH NAGAR 1ST CROSS,
SHRI BALAJI HOSPITAL,
PAMPA CIRCLE, MUKTI MANDIR ROAD,
LAKSHMESHWAR (HIREBAN) (RURAL)
GADAG, KARNATAKA-582116.

...PETITIONER

(BY SRI SUNIL KUMAR S.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY SHIRAHATTI P S
   REPRESENTED BY SPP
   HIGH COURT BUILDING, BENGALURU-560001.

2. SRI NAMDEV,
   S/O YALLAPPA MANDIRE,
   AGED ABOUT 35 YEARS,
   R/AT CHANNAPATNA SHIRAHATTI TALUK,
   GADAG DISTRICT,
   KARNATAKA-582120.

...RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1,
SRI OMKAR MUTTAGI, ADVOCATE FOR
SRI M SHARASS CHANDRA, ADVOCATE FOR R2)

Digitally Signed by ANANT
RAMNATH HEGDE

CNR: KAHC010372502026

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE ENTIRE FIR AND COMPLAINT IN CRIME NO.0237/2025 REGISTERED BY THE SHIRAHATTI POLICE STATION FOR THE OFFENCES P/U/S 351(2), 352 R/W 3(5) OF BNS 2023 WHICH IS NOW PENDING BEFORE THE LD XLII ADDL.CJM AT BENGALURU CITY IN SO FAR AS THE PETITIONER IS CONCERN.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional SPP for the first respondent and the learned counsel for the respondent no.2.

2. This petition is filed to quash the FIR and the complaint in Crime No.237/2025 registered by Shirahatti Police for the offences under Sections 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 pending before the XLII Additional Chief Judicial Magistrate, Bengaluru.

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3. Learned counsel appearing for the petitioner would submit that the petitioner is the sitting MLA, and the offences alleged are under Sections 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023. It is the submission that the offences are non-cognizable as such, the investigation could not have been commenced without there being an order by the Jurisdictional Magistrate competent to try the offence.

4. It is the submission that on 09.04.2021, the State Government had issued a notification constituting Special Courts to try the criminal cases against the sitting Members of Parliament/Assembly. The order is not passed by the Special Court which is constituted for the said purpose. The order for investigation is passed by the Court which has no jurisdiction. Under the circumstances, it is submitted that the impugned proceedings are to be quashed.

Digitally Signed by ANANT
RAMNATH HEGDE

5. Learned counsel for the petitioner would place reliance on the judgment of the Co-ordinate Bench of this Court in Criminal Petition No.1443/2023.

6. Learned Additional SPP and the learned counsel for respondent No.2 do not dispute the proposition of law.

7. Since, the order to investigate the matter is passed by the Court which has no jurisdiction, the proceedings are set aside.

8. However, liberty is reserved to the complainant to approach the jurisdictional Court to proceed in accordance with law.

9. Petition is ***allowed.***

10. Proceedings in Crime No.237/2025 registered by Shirahatti Police and pending before the XLII Additional Chief Judicial Magistrate, Bengaluru are quashed.

11. Liberty is reserved.

Digitally Signed by ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

BRN/List No.: 1 Sl No.: 22