



CNR: KAHC010310872023

NC: 2026:KHC:55749
CRL.P No. 5379 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 5379 OF 2023

BETWEEN:

1. SRI VACHAN G SHETTY
S/O GANESH SHETTY
AGED ABOUT 35 YEARS
R/AT. SANGAM HOUSE
NETHRAVATHI, AJAKURI
DHARMASTHALA GRAMA
BELTHANGADY TALUK - 574 214.
2. SRI PRASNNA
AGED ABOUT 33 YEARS
S/O ANANDADEVADIGA
R/AT SARIMAJALU HOUSE
PANAJALLU, KUVATTU VILLAGE
BELTHANGADYTALUK - 574 214
ALSO AT DURGANAGAR
MUNDUOORU VILLAGE
BELTHANGADY - 574 214.
3. SRI SABASTINA P.D
AGED ABOUT 39 YEARS
S/O LATE DEVAIAH
R/AT. PANANDANATH HOUSE
PUDUVETTU VILLAGE POST
BELTHANGADU - 574 216.
4. SRI SUDHINDRA
AGED ABOUT 24 YEARS
S/O SRINIVAS POOJARY
R/AT. BAYITYAR HOUSE
PUDUVETTU VILLAGE AND POST
BELTHANGADY - 574 216.
5. SRI HARISH
AGED ABOUT 45 YEARS
S/O SHEKAR DEVADIGA

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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R/AT NUMBER E 2-344
BEDRABHETTU HOUSE
BANGADI, INDABETTU VILLAGE
BELTHANGADY - 574 214.

6. SRI P.S. CHETHAN SHARMA
AGED ABOUT 37 YEARS
S/O SUBRAYA GOWDA
R/AT. PATTADURU VILLAGE
BELLUR POST, MUDIGERE TALUK
CHIKMAGALUR DISTRICT - 577 132.
7. SRI MANJUNATH
AGED ABOUT 53 YEARS
S/O MOHAN, R/AT P B ROAD
MOODIGERE TALUK
CHIKMAGALUR DISTRICT - 577 132.
8. SRI M.D. MANJUNATH
AGED ABOUT 66 YEARS
S/O DIBBAYA AT DIVANGATHA
R/AT MOODIGERE VILLAGE
BELLUR POST, MOODIGERE TALUK
CHIKMAGALUR DISTRICT - 577 132.
9. SRI UMESH
AGED ABOUT 48 YEARS
S/O NANJEGOWDA
R/AT KANNACHURU VILLAGE
HANTURU POST, MUDIGERE TALUK
CHIKMAGALUR - 577 132.
10. SRI MANJUNATH
AGED ABOUT 60 YEARS
S/O MARIGOWDA
R/AT JOONAGNAKERE VILLAGE POST
MOODIGERE TALUK, CHIKMAGALUR
DISTRICT - 577 132.
11. SRI JAHAVAR WASIM ULLA
AGED ABOUT 57 YEARS
S/O JIYAA ULLA
R/AT. NUMBER 26-3RD CORSS
RAMAYYA LAYOUT, 2ND STAGE



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BANGALORE - 560 058
C/O SHUBASH NAGAR
BEHALGULA VILLAG
MOODIGERE TALUK
CHIKMAGALUR DISTRICT - 577 132.

12. SRI IMTIAZ ALI
AGED ABOUT 51 YEARS
S/O KIZAR KHAN
R/AT SHUBADHNAGAR
BELAGULA VILLAGE
MOODIGERE TALUK
CHIKMAGALUR DISTRICT - 577 132.
13. SRI H.E. RAGHU
AGED ABOUT 53 YEARS
S/O. ERAPPA POOJARY
R/AT CHANNAPURA VILLAGE AND POST
GONIBEEDU HOBLI, MOODIGERE TALUK
CHIKMAGALUR DISTRICT - 577 132.
14. SRI MOHAN
AGED ABOUT 49 YEARS
S/O SHESHAPPA GOWDA
R/AT MUKKUDA HOUSE
CHIBIDRE VILLAGE
KAKKINJE POST
BELTHANGADY TALUK - 574 228.
15. SRI ANIL KUMAR
AGED ABOUT 34 YEARS
S/O KRISHNA MOGHAVEERA
KODYARA HOUSE
BEEJADI VILLAGE
KOTESHWRA POST
KUNDAPUR TALUK
UDUPI DISTRIC - 576 201.
16. SRI GIRISH
AGED ABOUT 51 YEARS
S/O PADMEGOWDA
R/AT HUGGEHALLI
BETTADA HOUSE POST



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MODDIGERE TALUK
CHIKAMAGALUR DISTRICT - 577 123.

17. SRI USMAN
AGED ABOUT 43 YEARS
S/O AMMABBA
R/AT BARAYA PALKE HOUSE
KUVETTU VILLAGE
BELTHANGADY TALUK - 574 224.
18. SRI SUDHIR
AGED ABOUT 42 YEARS
S/O NARAYANA
R/AT HOSAMATA HOUSE
CHARMADI VILLAGE POST
BELTHANGADY TALUK - 574 228.
19. SRI MADHUKARA
AGED ABOUT 41 YEARS
S/O BHOMMEGOWDA
THIRAPURA VILLAGE
GUTTHI POST, BHANKAL HOBLI
MOODIGERE TALUK
CHIKAMAGALUR DISTRICT - 577 132.
20. SRI DINESH
AGED ABOUT 38 YEARS
S/O SOMA KUMBAARA
CHANDRAKRUPA HOUSE
VIVEKANANDA NAGAR
LAILA VILLAGE, UJIRE POST
BELTHANGADY TALUK - 574 240.
21. SRI SHARATH H S
AGED ABOUT 32 YEARS
S/O SHIVANNA GOWDA
HALLI BALIU HOUSE
HESAGUDU VILLAGE
GUTTHI POST, MOODIGER TALUK
CHIKAMAGALUR DISTRICT - 577 132.
22. SRI GANGADHARA
AGED ABOUT 34 YEARS
S/O KEMPAYYA



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R/AT VIVEKANANDA NAGAR HOUSE
LAILA VILLAGE, UJIRE POST
BELTHANGADY TALUK - 574 240.

23. SRI NISAR AHMAD
AGED ABOUT 39 YEARS
S/O SHAYAD BASGA SABH
R/AT ADRSHA NAGAR
LAILA VILLAGE POST
BELTHANGADY TALUK - 574 214.

...PETITIONERS

(BY SRI RAKSHITH KUMAR, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY BELTHANGADY POLICE STATION
MANGALORE, D.K
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. POLICE SUB INSPECTOR
BELTHANGADY CIRCLE POLICE STATION
BELTHANGADY TALUK, D.K - 574 214.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.1600/2022 REGISTERED BY THE RESPONDENT NO.2 POLICE FOR THE OFFENCE P/U/S 79 AND 80 OF KARNATAKA POLICE ACT 1963, PENDING BEFORE THE HONBLE PRINCIPAL CIVIL JUDGE AND JMFC COURT, BELTHANGADY, D.K.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Petitioners are before this Court in this petition filed under Section 482 of Cr.P.C. with a prayer to quash the entire



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proceedings in CC No.1600/2022 pending before the Court of Principal Civil Judge and JMFC, Belthangadi, Dakshina Kannada, arising out of Crime No.33/2022 registered by Belthangadi Police Station, Dakshina Kannada, for the offence punishable under Section 79 of the Karnataka Police Act, 1963.

2. Learned counsel for the petitioners having reiterated the grounds urged in the petition submits that Section 155(2) of Cr.P.C. has not been complied in the present case. Accordingly, he prays to allow the petition.

3. Learned HCGP, who has opposed the petition, does not dispute the submission made by learned counsel for the petitioners.

4. FIR has been registered in the present case for the offence punishable under Section 79 of the Karnataka Police Act, 1963, which is undisputedly non-cognizable offence. Therefore, compliance of Section 155(2) of Cr.P.C. becomes very much necessary prior to registration of FIR.



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5. A reading of the order sheet of the Trial Court in the present case would go to show that Investigation Officer has not complied the requirement of Section 155(2) of Cr.P.C. No order has been passed by the jurisdictional Magistrate as provided under the said provision of law, prior to registration of FIR. Under the circumstances, the impugned criminal proceedings cannot be sustained. Accordingly, the following order:-

6. The criminal petition is allowed. The entire proceedings in CC No.1600/2022 pending before the Court of Principal Civil Judge and JMFC, Belthangadi, Dakshina Kannada, arising out of Crime No.33/2022 registered by Belthangadi Police Station, Dakshina Kannada, for the offence punishable under Section 79 of the Karnataka Police Act, 1963, is hereby quashed as against the petitioners herein.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE