

Manjunatha vs the State of Karnataka

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Court : Karnataka

Decided On : Feb-09-2026

Judge : M.Nagaprasanna

Appeal No. : CRL.P/1212/2026

Appellant : Manjunatha

Respondent : The State of Karnataka

Advocate for Pet/Ap. : Sri. Balaji Raghunathan

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026 BEFORE THE HON'BLE MR. JUSTICE M.NAGAPRASANNA CRIMINAL PETITION NO. 1212 OF 2026 BETWEEN: MANJUNATHA S/O. NAGARAJA T.V. AGED ABOUT 39 YEARS, R/AT BURUJANAHATTY, NEAR POLYTECHNIC COLLEGE, SARASWATHIPURAM, CHITRADURGA - 577 501. PETITIONER (BY SRI. S.G. RAJENDRA REDDY, ADVOCATE) Digitally signed by SANJEEVINI J KARISHETTY AND:

Location: High Court of Karnataka THE STATE OF KARNATAKA BY CHITRADURGA EXTENSION POLICE STATION, CHITRADURGA, REPTD. BY ITS S.P.P., HIGH COURT BUILDING, BENGALURU - 560 001. RESPONDENT (BY SRI. VINAY MAHADEVAIAH, HCGP) -2-

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.1762/2024 ARISING OUT OF CR.NO.68/2024 OF CHITRADURGA EXTENSION P.S. CHITRADURGA, PENDING ON THE FILE OF THE PRL.SENIOR CIVIL JUDGE AND C.J.M CHITRADURGA FOR THE OFFENCE P/U/S 78(VI) OF KARNATAKA POLICE ACT SO FAR AS PETITIONER 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 Sri. S.G. Rajendra Reddy, learned counsel appearing for the petitioner and Sri. Vinay Mahadevaiah, learned High Court Government Pleader appearing for respondent.

2. While registering the crime, to escape the rigor of

Section 155(2) of the Cr.P.C., the offence under Section 420 of -3- the Cr.P.C. is roped in. While filing the charge sheet, what remains is a non-cognizable offence under Section 78(vi) of the Karnataka Police Act, 1963. The identical issues have been answered by this Court in plethora of cases, two of which are appended to the petition. It deem it appropriate to follow one.

3. This Court in Crl.P.No.7933/2024 disposed on 27.08.2024 has held as follows:

"The petitioners are before this Court seeking quashment of the proceedings in C.C.No.4220/2024, pending before the Court of the Metropolitan Magistrate

[Traffic Court - II], Bengaluru, registered for the offence under Section 78(1)(a)(vi) of the Karnataka Police Act, 1963.

2. Heard Sri Balaji Raghunathan, learned counsel for the petitioners and Sri Jagadeesha B.N., learned High Court Government Pleader for the respondents.

3. Learned counsel for the petitioners submits

that the issue in the lis stands covered by the orders passed by the co-ordinate benches of this Court in CrI.P.No.2929/2020 and connected matters disposed on 10.01.2022 and in CrI.P.No.5945/2023 disposed on 23.08.2023. The order passed in CrI.P.No.5945/2023 reads as follows: The petitioner is sought to be prosecuted for the offences punishable under Sections 79 (A)

(vi) and 80 of the Karnataka Police Act, 1963 as amended in the year 2021.

2. The case of the prosecution is that, on

receiving credible information, a raid was conducted, and it was uncovered that the accused by using abexch9.com, were collecting money from the winners and losers with respect to IPL matches between the Royal Challengers Bangalore -4- - vs- Delhi Capitals and Mumbai Indians -vs- Sun risers Hyderabad.

3. Heard the learned counsel for the petitioner and learned High Court Government Pleader for the respondent- State.

4. Amendment to Sections 79 and 80 of the

Karnataka Police Act, was challenged before this Court in W.P.No.18703/2021 and other connected cases. The Division Bench order dated 14.02.2022 struck down Sections 2, 3, 6 8 & 9 of the Karnataka Police (Amendment) Act, 2021 in its entirety, as ultra vires the Constitution of India.

5. Even otherwise, the Co-ordinate Bench of this Court in CrI.No.2929/2020 and connected cases, at para 12 has held as under: 12. One of the petitioners is a bookie said to have been 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 the 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."

6. Admittedly, the accused-petitioner herein

is alleged to have been found betting on the cricket match, and the coordinate Bench of this Court has held that 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. Therefore, in the absence of essential elements to constitute the commission of offence punishable under Section 78(a) (vi) of the Karnataka Police Act, the -5-

registration of FIR culminating in taking cognizance of the aforesaid offence stands vitiated. Therefore, the continuation of criminal proceedings will be an abuse of process of law.

7. Accordingly, I pass the following:

i) The Criminal Petition is allowed; ii) The impugned proceedings in C.C.No.10653/2022 on the file of the Court of Metropolitan Magistrate (Traffic Court-2) Nrupathunga Road, Bangalore, insofar it relates to petitioner herein stands quashed. iii) Liberty is reserved with the

petitioner to file an appropriate application before the Trial Court for releasing a sum of Rs.4,00,000/-, which was seized from him at the time of raid.

In the light of the afore-quoted order, which covers the issue in the lis on all its fours, the criminal petition deserves to succeed on the very same findings and the observations.

4. For the aforesaid reasons, the following: a. The criminal petition is allowed.

b. The proceedings in C.C.No.4220/2024, pending before the Court of the Metropolitan Magistrate [Traffic Court - II], Bengaluru, qua the petitioners, stand quashed. I.A.No.1/2024 is disposed, as a consequence." In the light of the afore-quoted order, which covers the issue in the lis on all its fours, the criminal petition deserves to succeed on the very same findings and the observations. -6-

4. For the aforesaid reasons, the following:

(i) The criminal petition is allowed.

(ii) The proceedings in C.C.No.1762/2024, pending before the Principal Civil Judge & CJM, Chitradurga, qua the petitioner, stand quashed. Sd/- (M.NAGAPRASANNA) JUDGE JY List No.: 1 SI No.: 109

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