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NC: 2025:KHC:36849
WP No. 18910 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO. 18910 OF 2025 (GM-RES)

BETWEEN:

1. DR.K. SUDHAKAR
S/O KESHAVA REDDY
AGED ABOUT 50 YEARS
(FORMER MLA, PRESENTLY
MP-REPRESENTING
CHIKKABALLAPUR LOK SABHA
CONSTITUENCY)
R/AT NO.19, 17TH CROSS
SADASHIVANAGAR
BANGALORE-560 080.

...PETITIONER

(BY SRI. PRABHULING K.NAVADGI, SENIOR ADVOCATE FOR
MS.SANJEEVINI PRABHULING NAVADGI, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
BY THE STATION HOUSE OFFICER
MADANAYAKAHALLI POLICE STATION
NELAMANGALA SUB DIVISION
BENGALURU DISTRICT
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BUILDING, BENGALURU-560 001.



2. DASHARATHA V. KUMBAR
OF THE FLYING SURVEILLANCE
TEAM (FST)
AGED ABOUT 52 YEARS
FST TEAM 10
CHIKKABALLAPURA
BENGALURU DISTRICT-5681012.

...RESPONDENTS

(BY SRI. THEJESH, HCGP)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO QUASH THE PROCEEDINGS IN CC NO.19099/2025 PENDING ON THE FILE OF THE HON'BLE XLII ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BENGALURU FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 171E, 171F, 511 OF THE INDIAN PENAL CODE IN SO FAR AS TO THE PETITIONER IS CONCERNED AND ETC.

THIS PETITION COMING ON FOR ORDERS, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN



ORAL ORDER

The petitioner is a Member of Parliament representing Chikkaballapura Lok Sabha constituency. Elections to the Chikkaballapura Lok Sabha seat was scheduled on 26.04.2024. On 25.04.2024 an income tax raid was conducted on the residence of one Govindappa in Madavara Village, Dasanapura Hobli, Bengaluru North Taluk and an unaccounted cash of Rs.4.8 crores is said to have been recovered by the Income Tax Department. At that time, accused no.1, who was contesting for the election from Chikaballapura Lok Sabha constituency is said to have messaged to C.W.2 on WhatsApp, who is an IAS officer, as follows:

'Madhavara Govindappa IT Team' and 'Pls help I will be very grateful to you. Regards'.

2. A complaint to the jurisdictional police has been given by C.W.2 against the petitioner herein in this regard. After investigation, a chargesheet is filed in Crime No.355/2024 charging the petitioner who is arrayed as accused no.1 and Govindappa, who is arrayed as accused no.2 under Sections 171B, 171C, 171E, 171F, and 511 of IPC and also under



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Section 123 of the Representation of People Act, 1951. The charge alleged against accused no.1 (petitioner herein) and accused no.2 are as follows:

"ಈ ಪ್ರಕರಣದ ಸಾಕ್ಷಿ 1 ರವರು 2024 ಲೋಕಸಭೆ ಚುನಾವಣೆಯ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಸಭೆ ಕ್ಷೇತ್ರದ ಯಲಹಂಕ ವಿಧಾನಸಭೆ ಕ್ಷೇತ್ರ ವ್ಯಾಪ್ತಿಯ ಎಫ್.ಎಸ್.ಟಿ 10 ನೇ ತಂಡದ ಮುಖ್ಯಸ್ಥರಾಗಿದ್ದು, ಸಾಕ್ಷಿ 2 ರವರು 2024 ಲೋಕಸಭೆ ಚುನಾವಣೆಯ ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ಎಂಸಿಸಿ ನೋಡಲ್ ಅಧಿಕಾರಿಯಾಗಿರುತ್ತಾರೆ. ಸಾಕ್ಷಿ 2 ರವರಿಗೆ ಘನ ನ್ಯಾಯಾಲಯದ ವ್ಯಾಪ್ತಿಗೆ ಸೇರಿದ ಮಾದನಾಯಕನಹಳ್ಳಿ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದು ಮಾದವಾರ ಗ್ರಾಮದ ಈ ದೋಷಾರೋಪಣ ಪಟ್ಟಿಯ ಅಂಕಣ 12 ರಲ್ಲಿ ಕಾಣಿಸಿರುವ 2ನೇ ಆರೋಪಿ ರವರ ಮನೆಯಲ್ಲಿ ಹಣ ಇರುವ ಬಗ್ಗೆ ದಿನಾಂಕ 25.04.2024 ರಂದು ಬೆಳಿಗ್ಗೆ 11.44 ರಿಂದ 11.48 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ವಿಚಿತ ಮಾಹಿತಿ ಬಂದಿದ್ದರಿಂದ ಸಾಕ್ಷಿ 2 ರವರು ಮಾಹಿತಿ ಬಂದ ಸ್ಥಳಕ್ಕೆ ಐಟಿ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಾಕ್ಷಿ 1 ರವರನ್ನು ಬರುವಂತೆ ತಿಳಿಸಿದ್ದರಿಂದ ಸಾಕ್ಷಿ 1 ಮತ್ತು ಐಟಿ ಅಧಿಕಾರಿಗಳು ಆರೋಪಿ 2 ರವರ ಮನೆಯಲ್ಲಿ ಹಣ ಇರುವ ಬಗ್ಗೆ ಶೋಧನೆ ಮಾಡುತ್ತಿದ್ದಾಗ ಸಾಕ್ಷಿ 2 ರವರು ಸಹ ಸ್ಥಳಕ್ಕೆ ಬಂದಿದ್ದು, ಆರೋಪಿ 2 ರವರು ಚುನಾವಣಾ ಸಮಯದಲ್ಲಿ ಆದಾಯ ತೆರಿಗೆ ಇಲಾಖೆಯ ಅಧಿಕಾರಿಗಳ ಗಮನಕ್ಕೆ ತರದೆ ಚುನಾವಣೆ ನೀತಿ ಸಂಹಿತೆ ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಇಟ್ಟಿದ್ದ 4.8 ಕೋಟಿ ಹಣ ವಶಕ್ಕೆ ಪಡೆದಿದ್ದು, ಆ ಸಮಯದಲ್ಲಿ 1ನೇ ಆರೋಪಿ 2024 ರ ಲೋಕಸಭೆ ಚುನಾವಣೆಯ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಸಭೆ ಕ್ಷೇತ್ರದ ಬಿಜೆಪಿ ಅಭ್ಯರ್ಥಿ ಡಾ.ಸುಧಾಕರ್ ರವರು ತಮ್ಮ ಮೊಬೈಲ್ ನಂಬರ್ 9845204040 ರಿಂದ ದಿನಾಂಕ 25.04.2024 ರಂದು ಮದ್ಯಾಹ್ನ 2.06 ಗಂಟೆಗೆ ವ್ಯಾಟ್ಸಪ್ ಮೆಸೇಜ್ ಮಾಡಿ Madhavara Govindappa IT Team ಎಂತಲೂ, ಮದ್ಯಾಹ್ನ 2.07 ಕ್ಕೆ Pls help I will be very grateful to you. Regards. ಎಂತ ಸಾಕ್ಷಿ 2 ರವರ ಮೊಬೈಲ್ ನಂಬರ್ 9448194915 ಗೆ ಕಳುಹಿಸಿ ಚುನಾವಣಾ ಸಮಯದಲ್ಲಿ ಚುನಾವಣೆಯ ಅಕ್ರಮಕ್ಕೆ ಅನುಕೂಲವಾಗುವಂತೆ ಮತ್ತು ಚುನಾವಣೆ ನೀತಿ ಸಂಹಿತೆ ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಚುನಾವಣಾಧಿಕಾರಿಯಾದ ಸಾಕ್ಷಿ 2 ರವರಿಗೆ ಒತ್ತಡ ಹಾಕಲು ಪ್ರಯತ್ನ ಮಾಡಿರುವುದು ಇದುವರೆವಿಗೂ ನಡೆಸಿದ ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಆರೋಪಿ 1 ಮತ್ತು 2 ರವರು ಕಲಂ 171(B), 171(C), 171(E), 171(F), 511 ipc r/w 123 RP Act ರೀತ್ಯ ಅಪರಾಧವೆಸಗಿದ್ದು, ಶಿಕ್ಷಾರ್ಹರಾಗಿರುತ್ತಾರೆ."



3. Based on the charges alleged, XLII Additional CJM (Spl. Court for trial of cases filed against sitting as well as former MPs/MLAs, triable by the Magistrate in the State of Karnataka) has passed the following order:

"Cognizance is taken of the offences punishable under Section P/U/Sec. 171E, 171F & 511 of IPC against the Accused No.1 & 2.

Office is directed to register this case as C.C. in Register No.III and issue summons to the Accused No.1 & 2 returnable by:30/06/2025."

and CC No. 19099/2025 has been registered against both the accused including the petitioner herein. Aggrieved by the trial Court taking cognizance of the offences alleged, the present petition is filed.

4. The case of the petitioner is that even presuming the allegations made in the complaint, FIR and the charge sheet are true, the petitioner cannot be held guilty of the offences alleged against him. For that reason, it is submitted that continuing with the criminal proceedings is undue harassment to the petitioner and it requires that the



proceedings against the petitioner in C.C.No.19099/2025 be quashed by setting aside the cognizance taken by the trial Court.

5. The question that arises for consideration is:

'whether even presuming the allegations made against the petitioner in the chargesheet are true, does it constitute any of the offence alleged against him?'

6. As already mentioned above, the only allegation made against the petitioner is that when an income tax raid was conducted at the residence of accused no.2 in Madavara Village Dasanpura Hobli, Bangalore North Taluk, the petitioner herein messaged C.W.2, who is an IAS officer as follows:

'Madhavara Govindappa IT Team' and 'Pls help I will be very grateful to you. Regards'.

7. There is no other allegation made against the petitioner to the effect that the money belonged to the petitioner herein and it was meant for distribution to voters at the time of elections to woo them. Statement of **P.W.2** recorded by the police has not been produced either by the petitioner or the respondent and the learned High Court



Government Pleader upon instructions submits that apart from the aforementioned WhatsApp message, no other allegation is made in the statement of C.W.2 against the petitioner herein. Thus, the question that arises for consideration is, can mere sending of the aforementioned messages on WhatsApp by the petitioner to C.W.2, can be held sufficient to hold the petitioner guilty of the offences alleged.

8. Section 171B IPC defines 'bribery' and it reads as follows:

"171B. Bribery

(1) Whoever—

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.



(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward."

9. Section 171C IPC defines 'undue influence at elections' and it reads as follows:

171C. Undue influence at elections

(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise



*of the electoral right of such candidate or voter,
within the meaning of sub-section (1).*

*(3) A declaration of public policy or a promise of
public action, or the mere exercise or a legal right
without intent to interfere with an electoral right, shall
not be deemed to be interference within the meaning of
this section.*

10. Section 171E IPC describes 'punishment for bribery'
and Section 171F IPC describes 'punishment for undue
influence or personation at an election'.

11. Section 511 IPC reads as under:

***"511.Punishment for attempting to commit
offences punishable with imprisonment for life or
other imprisonment***

*Whoever attempts to commit an offence
punishable by this Code with imprisonment for life or
imprisonment, or to cause such an offence to be
committed, and in such attempt does any act towards
the commission of the offence, shall, where no express
provision is made by this Code for the punishment of
such attempt, be punished with imprisonment of any
description provided for the offence, for a term which
may extend to one-half of the imprisonment for life or,
as the case may be, one half of the longest term of*



imprisonment provided for that offence, or with such fine as is provided for the offence, or with both."

12. The averments made in the complaint, FIR and the chargesheet reveal that there was an income tax raid on the house of accused no.2 and the petitioner has requested an IAS officer (CW2) to help accused no.2. There is no other allegation made against the petitioner that the money of Rs.4.8 crores seized in the house of accused no.2 was meant to be used for the elections of the petitioner or to give the same as a bribe to somebody else on behalf of the petitioner. Thus, even if the allegations made against the petitioner are held to be true, they do not satisfy the ingredients of Sections **171B, 171C** and 511 of IPC for the petitioner to be charged with the offences that he is presently charged.

13. Under the circumstances, it has to be held that the impugned order of the trial Court taking cognizance of the offences alleged is bad in law. Hence, the following:

ORDER

- (i) The impugned order dated 12.06.2025 passed in C.C.No.19099/2025 by XLII Additional CJM (Spl.



Court for trial of cases filed against sitting as well as former MPs/MLAs, triable by the Magistrate in the State of Karnataka) taking cognizance of the offences punishable under Sections 171E, 171F and 511 of IPC insofar as it relates to the petitioner herein (accused no.1 therein) is hereby set aside and the proceedings in C.C.No.19099/2025 against the petitioner herein is quashed;

(ii) The writ petition stands ***allowed*** accordingly.

Sd/-
(M.I.ARUN)
JUDGE