

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF MARCH, 2022

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.19287 OF 2021 (GM-RES)

BETWEEN:

1. BHAVIT SHETH

2. HARSH JAIN

... PETITIONERS

(BY SRI C.V.NAGESH, SR.ADVOCATE FOR
SRI AJAY KADKOL D. ADVOCATE)

AND:

STATE OF KARNATAKA
BY STATION HOUSE OFFICER,
ANNAPOORNESHWARI NAGAR POLICE STATION,
BENGALURU - 560 072.

... RESPONDENT

(BY SRI SHANKAR H.S.,HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE FIRST INFORMATION REPORT-CRIME NO.226/2021 REGISTERED BY THE ANNAPOORNESHWARI NAGAR POLICE STATION, BANGALORE CITY AS AGAINST THE PETITIONERS FOR OFFENCES WHICH ARE MADE PENAL UNDER SECTIONS 79 AND 80 OF THE KARNATAKA POLICE ACT-AS AMENDED, WHICH IS PRODUCED AT ANNEX-A.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners call in question the proceedings instituted in Crime No.226/2021 before the respondent-police for the offences punishable under Sections 79 and 80 of the Karnataka Police Act, 1963 as amended in the year 2021.

2. Heard Sri.C.V.Nagesh, learned senior counsel appearing for petitioners and Sri.Shankar.H.S., learned High Court Government Pleader appearing for the respondent-State.

3. Amendment to the Karnataka Police Act was the subject matter in several writ petitions – in W.P.No.18703/2021 and connected cases, the Division Bench of this Court, by its order

dated 14.2.2022 has struck down Sections 2, 3, 6, 8 and 9 of the Karnataka Police (Amendment) Act, 2021 in its entirety, as *ultra vires* the Constitution of India.

4. In the light of striking down of the aforesaid amendment, the petition deserves to succeed. Therefore, the following:

ORDER

- (i) Writ Petition is allowed.
- (ii) The proceedings instituted against the petitioners in Crime No.226/2021 for offences punishable under Sections 79 and 80 of the Karnataka Police Act, stands quashed.

**Sd/-
JUDGE**

bkp
CT:MJ