IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2025

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO.7525 OF 2025

BETWEEN:

1. MR. JAFFAR SADIK,
C/O. ALLABAKASH,
AGED ABOUT 31 YEARS
PRESENTLY RESIDING AT
SONNASHETTIHALLI,
CHINTAMANI TOWN,
CHIKKABALLAPURA DISTRICT
BENGALURU

2. MR. SALMAN KHAN,
C/O AMEER JHAN
AGED ABOUT 25 YEARS,
RESIDING AT MUSALKUNTE,
MULABAGAL TALUK,
KOLAR -563116

...PETITIONERS

(BY SRI. ANUSHA NANDISH, ADVOCATE)

AND:

1. THE STATE THROUGH THE CHINTAMANI TOWN POLICE
CHINTAMANI TOWN POLICE STATION,
CHIKKABALLAPURA DISTRICT-563125
REP. BY SPP
HIGH COURT BUILDING
BANGALORE -01

2. MR. HARISH. K,
S/O. NOT KNOWN TO THE PETITIONERS,
AGED ABOUT 52 YEARS,

WORKING AS ASI HAVING OFFICE AT
CHINTAMANI RURAL POLICE STATION,
CHINTAMANI, CHIKKABALLAPURA - 563125

(REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560001)

…RESPONDENTS

(BY SMT.WAHEEDA.M.M, HCGP)

THIS CRL.P IS FILED UNDER SECTION 482 CR.PC PRAYING TO QUASH ALL PROCEEDINGS ARISING OUT OF THE FIR IN CRIME NO.72/2025 OF CHINTAMANI TOWN POLICE STATION, CHINTAMANI, CHIKKABALLLAPUR DISTRICT FOR THE OFFENCE P/U/S. 78(1)(a)(vi) OF THE KARNATAKA POLICE ACT, 1963, ON THE FILE OF PRL. CIVIL JUDGE (SR.DN.) AND JMFC, CHINTAMANI, IN AS MUCH AS THE PETITIONERS ARE CONCERNED.

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

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioners are before this Court seeking for the following reliefs:

> *"WHEREFORE, it is prayed that this Hon'ble Court be pleased to quash all proceedings araising out of the FIR in Crime No.72/2025 of Chintamani Two Police Station, Chintamani, Chikkaballapur District for the offences punishable under Section 78(2)(a)(vi)of the Karnataka Police Act, 1963 on the file of Prl. CJ (Sr.Dn.) and JMFC, Chintamani in as much as the petitioners are concerned and pass such other and or further order(s) as may deem fit and proper in the facts and circumstances of the present case."*

2. The allegation made against the petitioners is that petitioners were involved in the offence of betting on a cricket match.

3. Learned counsel for the petitioners relies upon the decision in Crl.P.No.4090/2023 dated 16.08.2023 more particularly paragraph Nos.7 and 8 which is reproduced herein for ready reference:

> *"7. The coordinate Bench of this Court in Crl.P. No.2929/2021 at para-12 has held as follows:*
>
> *"12. One of the petitioners is bookie said to have 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 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."*
>
> *8. Admittedly, the accused No.4 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. Hence, in the absence of essential elements so as to constitute the commission of offence punishable under Section 78(ii) of the Karnataka Police Act, the registration of FIR for the aforesaid offence stands vitiated.*

Hence, the continuation of criminal investigation will be an abuse of process of law."

4. By relying on the above matter, he submits that cricket being a sport, even if there is betting, it cannot be brought within the ambit to definition of 'gaming' found in the Karnataka Police Act.

5. This Court being bound by the observations made by the coordinate bench on the very same reasoning, has passed the following:

ORDER

i. Criminal Petition is ***allowed***.

ii. The proceedings in Crime No.72/2025 registered by Chintamani Town Police Station, Chintamani, Chikkaballapur District pending on the file of Prl. Civil Judge (Sr.Dn.) and JMFC, Chintamani is quashed.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

KAV
List No.: 2 Sl No.: 81