



CNR: KAHC020177072026

NC: 2026:KHC-D:16879
CRL.P No. 102564 of 2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 12TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL PETITION NO. 102564 OF 2026
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. SRI RUDRAPPA S/O. GURULINGAPPA NAVALAGI,
AGE: 77 YEARS, OCC: RETIRED,
R/O. KAVASAKAN GALLI, ATHANI-591304,
TAL: ATHANI, DIST. BELAGAVI.
2. SRI SHRINATH S/O. GORAK WAGHAMARE,
AGE: 33 YEARS, OCC: BUSINESS,
R/O. BEVANUR, TAL: ATHANI-591304,
DIST. BELAGAVI.

...PETITIONERS

(BY SRI RAJENDRA R. PATIL, ADV. FOR
SRI SRINAND A. PACHHAPURE, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH ATHANI POLICE STATION,
NOW REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA DHARWAD,
BENCH AT: DHARWAD-580011.

...RESPONDENT

(BY SRI PRAVEENA DEVAREDDIYAVARA, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.482 OF CR.P.C. (U/S. 528 OF BNSS, 2023), PRAYING TO QUASH THE FIR AND COMPLAINT REGISTERED IN ATHANI P.S. CRIME NO.506/2026 FOR THE OFFENCE PUNISHABLE UNDER SECTION 3, 4 AND 5 OF IMMORAL TRAFFIC ACT, MARKED AT ANNEXURE-A & B IN SO FAR AS PETITIONERS/ ACCUSED NO.1 AND 2 IS CONCERNED PENDING ON THE FILE OF THE PRL. CIVIL JUDGE (JR. DN.) AND JMFC ATHANI, IN THE INTEREST OF JUSTICE.

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

Digitally signed by
CHANDRASHEKAR
LAXMAN
KATTIMANU
Location: HIGH
COURT OF
KARNATAKA
DHARWAD



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CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

The petitioners have filed the present petition under Section 528 of BNSS, 2023 (482 of CrPC) to quash the entire proceedings in Crime No.506/2026 of Athani Police Station, Belagavi District, pending on the file of learned Principal Civil Judge (Jr.Dn) and JMFC, Athani, for the offence punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (for short, 'ITP Act').

2. The case of the prosecution in nutshell is as under:

The complainant who is Police Sub-Inspector of Athani Police Station, had received a credible information that prostitution is being carried out at Venkateshwara Lodge, Athani City and therefore, after obtaining prior permission of Dy.S.P., he raided the said lodge along with the panchas and his sub-staff. It was found that prostitution was practiced in the said lodge and therefore, spot mahazar was conducted in the presence of Malliksab Chandsab Mulla and Suresh Bhajantri along with accused No.1 and 2 and seized the articles and



lodged the complaint, which came to be registered by the SHO, Athani Police Station on 27.07.2026 at 09:15 p.m.

3. Now the learned counsel for the petitioners/accused No.1 and 2 submits that the PSI of Athani Police Station, who conducted the raid having any authority since there is no such designation of these police officers as a Special Police Officer, as required under Section 13 of the ITP Act.

4. It is contended that the mandatory provisions of Section 15 of the ITP Act is also not followed by the Investigating Officer and therefore, on both these grounds the proceedings are not sustainable in law.

5. *Per contra*, learned HCGP would submit that there is no such notification by the Government which empowers the Sub-Inspector of Police to be a Special Police Officer as required under Section 2(i) and 13 of the ITP Act. However, he submits that the irregularity in registering the case cannot be a ground to quash the entire proceedings. Learned HCGP submitted that the reason as to why the Investigating Officer could not take women, as required under Section 15 of the ITP



Act can only be ascertained at the time of trial and therefore, it cannot be a ground to quash the proceedings.

6. Learned counsel appearing for the petitioners has placed reliance in the case of ***Hanmanth vs. The State of Karnataka*** in Criminal Petition No.201645/2023 dated 10.04.2024; ***Dharmanna vs. The State of Karnataka*** in Criminal Petition No.200915/2023 dated 18.07.2023; ***Shri. Rajath vs. State of Karnataka*** in Criminal Petition No.101975/2021 dated 16.02.2022, ***Mr. Praveen Kumar M.S. vs. State of Karnataka*** in Criminal Petition No.1398/2017 dated 28.03.2022 and contended that the provisions of Section 15(2) of the ITP Act are mandatory in nature and that in the absence of any notification to show that the Investigating Officer was a Special Police Officer within the definition of 2(i) of the ITP Act, the investigating is not sustainable in law.

7. In the case of ***Dharmanna vs. The State of Karnataka***, the co-ordinate Bench of this Court in para 6 and 7, as stated as below:



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"6. Section 13 of the Act specifies that, there shall be for each area to be specified by the State Government in this behalf a special police officer appointed by or on behalf of that Government, for dealing with offences under this Act in that area.

7. Clause (2) of Section 13 of the Act specifies that, the special police officer shall not be below the rank of an Inspector of Police. In the instant case, though the raid was conducted by the Police Inspector, however, he has not been designated as special police officer to deal with the offence under this Act in that area by the State Government. Hence, conducting of the raid, and registration of the FIR by the Police Inspector is one without authority of law."

8. In the case of **Shri.Rajath vs. The State of Karnataka**, after going through the provisions of Section 14, Section 2 and various other provisions of law, in para 11, it was observed as below:

"11. The present proceeding is instituted pursuant to a complaint registered by the Assistant Sub-Inspector to the Police Inspector of Gokul Road Police Station. It is an undisputed fact that the informant/complainant is not the Special Police Officer in terms of the aforequoted statute. Thus, the very proceeding that is initiated against the petitioner is based upon a complaint, complainant of which had no jurisdiction. Therefore, the proceedings would stand



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vitiated on account of it being in violation of the afore-quoted mandate of the statute."

9. In the case of **Mr. Praveen Kumar M.S. vs. State of Karnataka**, this Court has observed that the provisions of Section 15(2) of the ITP Act are mandatory in nature and the reading party shall accompanied by a women and another pancha shall be a person from the locality. In para 7 and 8 of the order, it was observed as below:

"7. Section 15(2) of the ITP Act reveals that atleast one of the witness shall be a respectable women from the said locality at the time of search seizure, but, that was not done by the police officer. Thereby, there is a gross violation of Section 15(2) of the ITP Act. That apart, the learned counsel produces notification of the Government of Karnataka dated 02.08.2008 wherein it states that who will be the officer for investigation under the ITP Act, Section 13 of the Act states that where not below the rank of Inspector of police is permitted to investigate the matter.

8. Here in this case, the Police Inspector who registered the complaint and handed over the same to the Sub-Inspector of Police for investigating is also violation of provisions of Section 13 of the Act which is also abuse of the process of the law. Such being the case, allowing the police to investigate the matter is nothing but the abuse of



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the process of the law. Hence, the FIR is liable to be quashed."

10. It is evident that the provisions of Section 2(i) of ITP Act lay down that only a Special Police Officer is empowered to investigate the matter. It appears that there is no such notification issued by the Government wherein a Police Officer of the rank of the Circle Inspector of Police/Police Inspector or Dy.S.P. of the Police Stations are the Special Police Officers within the meaning of 2(i) of the ITP Act. In the absence of any such powers conferred upon the Police Officers, it cannot be said that the Police Inspectors of all the Police Stations are the Special Police Officers within the meaning of Section 2(i) of the ITP Act.

11. So also, it is evident that in the case on hand the investigating officer had not taken a woman along with the raiding party for the purpose of raid. Section 12(2) of the Act is mandatory in nature. There cannot be any doubt that in the absence of any averments in the mahazar that no woman was available or no person of the locality was available, such a raid cannot be permitted to the basis of any prosecution. Hence, it



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is evident that continuation of the present proceedings would be nothing but abuse of process of law. Therefore, the petition deserves to be allowed.

ORDER

The petition is ***allowed***.

The entire proceedings in Crime No.506/2026 of Athani Police Station, Belagavi, registered for the offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, pending on the file of learned Principal Civil Judge (Jr.Dn) and JMFC, Athani, insofar as petitioners/accused No.1 and 2 are concerned, is hereby quashed.

Pending I.As., if any, stand disposed off.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

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List No.: 1 Sl No.: 46