

(2011) 11 KAR CK 0170
In the Karnataka High Court
Case No : Criminal Petition No. 5611 of 2011

Sri S. Bangarappa, BA, BL Advocate

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 09-11-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 117 C (2) (b)
Representation of the Peoples Act, 1951 — Section 123

Citation : (2011) 11 KAR CK 0170

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : Rajasubramanya Bhat, HCGP, for the Respondent

Final Decision : Allowed

Judgement

B.V. Pinto

1. This petition is filed seeking to quash the proceedings in Crime No. 177/2009 (CC No.276/2010) of Bhadravathi Old Town Police Station, Shimoga District, registered on 27.04.2009 for the offences punishable u/s 171-C(2)(b) of IPC and Section 123 of Representation of People Act, 1950. After investigation, police have deleted the offence u/s 123 of Representation of People Act and filed the charge sheet for the offences u/s 171-C(2)(b) of IPC.

2. Heard Sri. C.V. Nagesh, learned Senior Counsel for the petitioner and Sri. Rajasubramanya Bhat, learned HCGP for the State/ Respondent

3. Section 171C(2)(b) of IPC reads as follows:

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 on object of Divine displeasure or of spiritual censure

4. On careful perusal of FIR, it is seen that, the averments made in the complaint to the fact that petitioner entered the church or mosque and requested the

voters to support the candidates, who is his son, does not attract the offence u/s 171-C(2)(b) of IPC. To constitute an offence u/s 171-C(2)(b) of IPC, accused should have attempted or induced the candidates or voters to believe that, he or any person whom he is interested will become or render with the object of Divine displeasure or of spiritual censure

5. On a plain reading of the complaint, no where it is stated that the petitioner represented that the people whom he addressed would be the object of Divine displeasure or spiritual censure.

6. Since, the acts alleged against the petitioner do not attract the provisions of Section 171-C(2)(b) of IPC continuing the proceedings is sheer abuse of process of law.

7. Accordingly, the petition is allowed. The proceedings in CC No. 276/2010 pending on the file of II Additional Civil Judge (Junior Division) and J.M.F.C, Bhadravathi is hereby quashed.