



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 15756 OF 2025

BETWEEN:

1. SRI.GIRISH H K
S/O KEMPEGOWDA,
AGED ABOUT 40 YEARS,
R/AT NO.40, 3RD CROSS,
SWARNASANDRA,
MANDYA TOWN,
MANDYA - 571 401.
2. SRI. VENKATESHA K.R @ CHANDRA
S/O RAMANNA,
AGED ABOUT 61 YEARS,
R/AT NO.1144, 1ST CROSS,
ASHOKANAGAR, MANDYA CITY,
MANDYA - 571 401.
3. SRI. SHASHIKUMAR
S/O LINGEGOWDA,
AGED ABOUT 42 YEARS,
R/AT 2ND CROSS,
CHOWDESHWARI NEXT, RAMOHALLI,
BANGALORE - 560 074.
4. SRI NAGENDRA
S/O LATE LINGAIAH,
AGED ABOUT 53 YEARS,
R/AT NO.252, 2ND CROSS,





SWARNASANDRA,
MANDYA TOWN,
MANDYA - 571 401.

5. SRI. CHALUVARAJU S
S/O LATE SRIKANTEGOWDA,
AGED ABOUT 50 YEARS,
R/AT IN FRONT OF JAYALAKSHMI TAKIES,
1ST CROSS, GUTHALU,
MANDYA TOWN,
MANDYA - 571 401.
6. SRI RAVIKUMAR K N
S/O LATE NANJEGOWDA,
AGED ABOUT 50 YEARS,
R/AT V. V. NAGARA, 16TH CROSS,
KALAHALLI, MANDYA TOWN,
MANDYA - 571 401.
7. SRI. SIDDEGOWDA
S/O LATE PUTTAPPA,
AGED ABOUT 42 YEARS,
R/AT 4TH CROSS,
LABOUR COLONY,
MANDYA TOWN,
MANDYA - 571 401.
8. SRI. MAHADEVA M.M
S/O LATE MADEGOWDA,
AGED ABOUT 50 YEARS,
R/AT IN FRONT OF JAYALAKSHMI TAKIES,
1ST CROSS, GUTHALU,
MANDYA TOWN,
MANDYA - 571 401.



9. SRI. KRISHNEGOWDA
S/O LATE CHIKKANNA,
AGED ABOUT 59 YEARS
R/AT 6TH CROSS, THAVARAGERE
MC ROAD, MANDYA TOWN,
MANDYA - 571 401.

10. SRI. CHANDREGOWDA T.S,
S/O LATE T.K.SIDDARAMEGOWDA,
AGED ABOUT 42 YEARS,
SECRETARY OF AGRI CLUB MANDYA
R/AT NO.543, THAGGAHALLI VILLAGE,
MANDYA TALUK,
MANDYA - 571 401.

...PETITIONERS

(BY SRI. SATHISHA D.J, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MANDYA RURAL POLICE STATION,
MANDYA SUB-DIVISION,
MANDYA - 571 401
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

2. SRI. SIDDAPPA H.R
AGED ABOUT 58 YEARS,
POLICE INSPECTOR,
MANDYA RURAL POLICE STATION,
MANDYA - 571 401.

...RESPONDENTS

(BY SRI. B.N. JAGADEESHA, ADDL. SPP FOR R1)



THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ALLOW THIS PETITION AND QUASH THE IMPUGNED PROCEEDING IN C.C NO.519/2023 AT ANNEXURE-C, IN PURSUANCE OF THE CHARGE SHEET FOR THE OFFENCE THE PUNISHABLE UNDER SECTIONS 79 AND 80 OF KARNATAKA POLICE (AMENDMENT ACT) 2021, PENDING ON THE FILE OF JUDICIAL MAGISTRATE FIRST CLASS, MANDYA, AGAINST THE PETITIONERS ARE CONCERNED.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners are before this Court calling in question proceedings in C.C.No.519/2023 pending before the Judicial Magistrate First Class, Mandya, registered for the offences punishable under Section 79 and 80 of the Karnataka Police Act, 1963.

2. Heard Sri. Sathisha D.J., learned counsel for the petitioners and Sri. B.N. Jagadeesha, learned Addl.SPP



appearing for respondent No.1 and have perused the material on record.

3. The learned counsel for the petitioners submits that the issue in the case at hand stands covered by the judgment rendered by the Co-ordinate Bench of this Court in ***Crl.P.No.103022/2025, disposed on 07.08.2025,*** which read as follows:

1. Accused Nos.1 to 20 in Crime No.114 of 2025 registered by Sirsi Rural Police Station, Uttara Kannada District, for the offences punishable under Sections 79 & 80 of the Karnataka Police Act, 1963 and Section 112 of BNS, 2023 have approached this Court in these two petitions filed under Section 528 of BNS 2023, with a prayer to quash the entire proceedings in the aforesaid case, as against them.

2. FIR in Crime No.114 of 2025 was registered by Sirsi Rural Police Station, Uttara Kannada District for the aforesaid offences against the petitioners herein, based on the first information dated 24.07.2025 received from Smt.Geeta Patil, Police Officer, attached to Sirsi Rural Police Station, Uttara Kannada. Assailing the correctness of the same, the petitioners, who are arrayed as accused Nos.1 to 20 in the FIR, are before this Court.

3. Learned counsel for the petitioners submits that the allegation against the accused in the present case is that they were indulged in playing game of Andar bahar in a private resort. The game of Andar bahar has been considered as a game of skill by this Court and therefore registration of FIR for the aforesaid offences is bad in law. He has placed reliance on multiple judgments of this Court, which has time and again said that game of Andar bahar is a game of skill and not a game of chance.

4. Per contra, learned HCGP has opposed the petition. She submits that in addition to Sections 79 and 80 of the Karnataka Police Act, in the present case, offence punishable under Section 112 of BNS 2023, is also invoked



and therefore investigation is necessary. Accordingly, she prays to dismiss the petition.

5. The allegation against the petitioners in the first information is that, on 24.07.2025 they were found playing the game of Andar bahar in a resort known as VRR Home stay owned by accused No.1.

6. The police conducted a raid to the aforesaid place, apprehended all the accused and also had recovered a sum of ₹49,50,436/- along with the pack of cards, mobile phones and the vehicles belonging to the accused and thereafter the FIR was registered against the apprehended accused for the aforesaid offences.

7. This Court in Criminal Petition No.1997 of 2021, in paragraph Nos.7 to 9 has observed as follows:
"7. It is the case of the prosecution that the petitioners and other members of the club who were present at the time of raid were indulged in playing the game of cards which is known as Andhar Bahar. This Court in Crl.P.No.9298/2017 disposed of on 30.01.2018, has observed in paragraphs 5 & 6 as under:

5. In another decision reported in Eranna and others Vs. State of Karnataka [1977(1) Kar.L.J. 274], this court has observed that,-

"Unless the prosecution proved, how the game of 'Andar Bahar' is played and in what manner bettings are recorded, it could not be inferred that it was a pure and simple game of chance and not a game of skill".

6. This court also observed in the said case that, though the persons were playing the game called 'Andar Bahar' in a private house or at a public house, the court interpreting the provisions of Section 2(3) of K.P.Act referring to the definition of 'Common Gaming House', has observed that, though the persons were playing 'Andar Bahar' inside their house for that reason only it cannot be called as a common gaming house. When no complaint has been filed by anybody that the said house has been converted into a common gaming house at any point of time. Merely on the ground as an isolated circumstance, if some persons or the inmates of the house were playing 'Andar Bahar', at any stretch of imagination, it cannot



be said that the said house can be called as 'Common Gaming House'."

8. In Crl.P.No.200807/2017 (Ramu & others Vs The State), the co-ordinate bench of this Court, has held in paragraph 8 as under:

"8. The third contention which has been raised by the learned counsel for the petitioners are that, though the charge sheet has been laid against the petitioners, there is nothing to demonstrate that the petitioners-accused were playing Andar Bahar and it is a game of chance. As could be seen from the records, no where the material indicates the type of game, which they are intending to play or played. Even the complaint and other material indicates that at a distance by hiding near the temple, the police officials and the other witnesses have seen that, two groups have been sat around and they were playing immediately, thereafter they have made a raid. In order to say that the petitioners were playing Andar Bahar, the prosecution has to prove how the game of Andar Bahar is played and in what manner the betting are recorded and how that the play was going on. Only by seeing at a distance, it could not been inferred that poor and simple game and no game of skill.

If any betting was registered and even if any pledge of movables was made in spite of the betting that itself did not constitute a game of skill into a game of chance. If the entire material if it is perused, it was not clearly proved that the accused persons were playing Andar Bahar and it is a game of chance and as such it is not going to attract the provisions of Sections 78 and 80 of the Act. This, proposition of law has been laid down in the case of Eranna & Ors. Vs. State of Karnataka reported in 1977(1) Karnataka Law Journal page 274. When once all the material, which has been produced and if it does not forthcoming to show that the said game, which was intended to be or which was played was a game of chance and was not a game of skill involved in that game, under such circumstances the proceedings



which have been initiated by virtue of filing the charge sheet appears to be not sustainable in law and the same are liable to be quashed.

Keeping in view the above said facts and circumstances of the case, the petition is allowed and proceedings initiated against the petitioners in C.C.No.227/2016, pending on the file of Civil Judge and JMFC, Shahabad is hereby quashed."

9. Taking into consideration the aforesaid pronouncements rendered by this Court, I am of the view that even in the present case, admittedly the cards game which was being played by the petitioners being Andar Bahar, unless the prosecution specifies as to how the said game is a game of chance and not a game of skill, registration of criminal case as against the members of the club cannot be sustained. Further, as held in Eranna's case (supra), admittedly there is no complaint by any private party that the club premises was being used as a common gaming house."

8. In Criminal Petition No.200052 of 2016, disposed off on 30.03.2016, in paragraph 3, it has observed as follows:

"3. xxx However, the learned counsel for the petitioners strenuously contends that playing cards in a private house or in a private property does not amount to playing any game either of skill or playing game of chance in a gaming house. Therefore, it does not fall under the category of the offences under sections 79 and 80 of the Karnataka Police Act. Further he submits that playing the game of 'Andhar-Bahar', it cannot be said that the said game is a game of chance, but it is consistently held by this Court that the said game is a game of skill. When the game of skill is stated to have been played there is no question of police initiating any proceeding and proceed with the investigation for the offences punishable under sections 79 or 80 of the Karnataka Police Act. In this regard it is seen that this Court has early in the year 1977



between Eranna and others Vs. State of Karnataka reported 1977(1) Karnataka Law Journal wherein this Court has held that the charge against the accused were they were found playing 'Andhar-Bahar' in a club and that Andhar-Bahar is a game of chance, held Unless the prosecution proves how the game of Andhar-Bahar is played and in what manner bettings are recorded, it could not be inferred that it was a pure and simple game of chance and not a game of skill."

9. This Court in Criminal Petition No.101883 of 2025 disposed off on 15.05.2025 under similar circumstances in a case which was registered by the very same police station for similar offences, in paragraph Nos.4 and 5 has observed as follows:

"4. Learned counsel for the petitioners submits that the facts involved in this petition is squarely covered by the decision of this Court in the case of Eranna & Ors. Vs. State of Karnataka¹, which is subsequently relled by Co-ordinate Bench of this Court in several criminal petitions. One such petition is Crl. P. No.100877/2014, [Ramakrishna & Others Vs. The State of Karnataka and Another, disposed of on 13.06.2014]. The Co- ordinate Bench, in its order passed in the above criminal petition, at paragraphs 5 and 6 has held as under:

"5. On analysing the above said provision of law, this Court has rendered a decision reported In 1971(2) Mys. L.J. 187 in the case of Chickarangappa & Others Vs. State of Mysore and another decision reported in 1977 (1) K.L.J. 274 In the case of Eranna Vs. State of Karnataka, which decisions declare that, "playing 'Andar Bahar' is a game of skill and not mere a game of chance and therefore, the offence punishable under Section 79 and 80 of the Act are not attracted".

6. In the ruling reported in 1977 (1) K.L.J. 274 (supra), this Court has categorically held



that, game of 'Andar Bahar' is not a game of chance. The facts are also little bit relevant as quoted in the said case. At paragraph 7 of the said judgment, it is stated that;

"In this view of the matter, the essential ingredient of the offence was not proved. It could not be established that the petitioner accused were playing a game of chance and one does not know how the game 'Andar Bahar' is actually played with the assistance of cards. Even if any betting was resorted to and even if any pledge of moveables was made in support of that betting, that by itself did not convert a game of a skill into a game of chance. At any rate it was not categorically proved that 'Andar Bahar' is a game of chance and that these accused were playing that game. They were not covered under the definition of gaming in a common house. Since the institution where the accused were found playing the game with cards is a club, it is not unusual that cards are played in a club, and it may even be that some betting was also being done. These facts by themselves never proved that a game of chance was being played or that no skill was involved in that game so that it could be considered to be a mere game of chance. It is manifest that a game of skill would not be held to be gambling for the purpose of the Act. In this view of the matter, no offence under Sections 79 and 80 of the Karnataka Police Act, 1963 was made out against the petitioners. Hence the conviction of sentence was set aside".

5. In the light of the decision of this Court rendered in the case of Eranna & Ors. (supra), the issue stands resolved and no more an res integra, and this Court deems it



appropriate to quash the proceedings qua the petitioners herein."

10. From the aforesaid orders passed by this Court, it is very clear that the police could not have registered the case against the petitioners for offences punishable under Sections 79 and 80 of the Karnataka Police Act, on the allegation that they were indulged in playing the game of Andar bahar in a private resort belonging to accused No.1.

11. So far as the offences punishable under Section 112 of BNS 2023 is concerned, the said provision of law, would get attracted only if the accused were found indulging in unauthorised betting or gambling.

12. Section 112 of the BNS 2023 read as follows:

"112. Petty Organised Crime. -(1) Whoever, being a member of a group or gang, either singly or jointly, commits any act of theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers or any other similar criminal act, is said to commit petty organised crime.

Explanation.—For the purposes of this sub-section "theft" includes trick theft, theft from vehicle, dwelling house or business premises, cargo theft, pick pocketing, theft through card skimming, shoplifting and theft of Automated Teller Machine.

(2) Whoever commits any petty organised crime shall be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years, and shall also be liable to fine."

13. From the reading of the aforesaid provision of law, it is very clear that unless the accused who is member of a group or a gang is found indulged in activities specified in the aforesaid provision, the said offence does not get attracted. In the present case, there is no such allegation that accused persons are members of a group or



a gang. It is not the case of the prosecution that the petitioners are persons with criminal antecedents. The allegation against the accused in the first information is that they were found playing the game of card called Andar bahar in a private resort and therefore the FIR was registered against them for the offences punishable under Sections 79 and 80 of the Karnataka Police Act and Section 112 of the BNS 2023. Placing reliance on several judgments of this Court, this Court has already recorded a finding that considering the nature of allegations, police could not have registered a case against the petitioners for offences punishable under Sections 79 and 80 of the Karnataka Police Act since the game of Andar bahar is considered as a game of skill. Therefore even the offence punishable under Section 112 of BNS 2023 would not get attracted against the accused in the present case. Under the circumstances, I am of the opinion that the prayer made by the petitioners in these two petitions needs to be granted. Accordingly, the following:

ORDER

- i. Criminal petition is allowed.
- ii. The entire proceeding in Crime No.114 of 2025 registered by Sirsi Rural Police Station, Uttara Kannada District, for the offences punishable under Sections 79 & 80 of the Karnataka Police Act, 1963 and Section 112 of BNS, 2023 is quashed.
- iii. Liberty is granted to the petitioners to file necessary application before the jurisdictional Court seeking custody of the articles seized by the police."

In the light of the afore-extracted judgment rendered by the Co-ordinate Bench of this Court and in the facts obtaining in the case at hand, which covers the issue on all its fours, I deem it appropriate to quash the proceedings, *qua* the petitioners.



4. For the reasons aforementioned, the following:

ORDER

- (i) The Criminal Petition is allowed.
- (ii) The proceedings in C.C.No.519/2023 pending before the Judicial Magistrate First Class, Mandya, stand quashed, *qua* the petitioners.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

SJK
List No.: 1 Sl No.: 67
CT:BHK