IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRL.PETITION NO. 15507 OF 2026

BETWEEN:

HARISH KUMAR C AND OTHERS

...PETITIONERS

(SRI ARUN SHYAM M, SENIOR ADV. FOR
SRI AIYAPPA K G, ADVOCATE)

AND:

STATE OF KARNATAKA AND ANOTHER

...RESPONDENTS

(BY B N JAGADEESH SPP-I FOR R1)

IA NO.1/2026 IS FILED UNDER SECTION 528 OF BNSS 2023 PLEASED TO STAY THE FURTHER INVESTIGATION IN CRIME NO.220/2026 ON THE FILE OF THE NARASIMHARAJA P.S. (ALSO PENDING ON THE FILE OF THE 3RD ADDL. CIVIL JUDGE (JR.DN.) & JMFC COURT, JLB ROAD, MYSORE CITY) PENDING DISPOSAL OF THE ABOVE CRIMINAL PETITION, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS IA HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.10.2026, THIS DAY THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CAV ORDER ON IA NO.1/2026 FOR STAY

The present petition is filed to quash FIR dated 01.10.2026, registered in Crime No.220/2026, for the offences punishable under Sections 192, 196, 3(5), 318(4), 336(3), 336(4), 353 and 61(2) of the Bharatiya Nyaya Sanhita, 2023, before Narasimharaja Police Station, Mysuru.

2. When this case was listed before the Court, it was submitted by the learned counsel for the petitioners and the State that petitions involving similar questions viz., Writ Petition No.31887/2026 and Writ Petition No.31893/2026 are heard on interim prayer and reserved for orders and the submissions in this case are the same as the submissions in the aforementioned cases. Hence, requested to post the case for orders. When the case was reserved for orders, some interim protections were provided based on the submission made on behalf of the State and at the same time, investigation was also permitted.

3. Petitioners No.1 to 3 are the accused, and the second respondent is the de facto complainant. The *defacto* complainant claims that he is a resident of Mysuru City, within the jurisdiction of Narasimharaja Police Station. It is also stated

that the petitioners have voting right in the aforementioned constituency.

4. It is stated on 24-09-2026, the Booth Level Officer called the complainant and told him that Form No.7 is filed before the Registration Officer against the complainant and his family members. The complainant thereafter obtained a copy of the said Form No.7 and noticed that one Harish C. - petitioner No.1/accused No.1, despite being aware that the complainant and his family members are residing at the aforementioned address, gave a false information in Form No.7 with an intention to curtail the voting rights of the complainant and his family members and also 28 other innocent voters in the said constituency.

5. It is also alleged in the complaint that Raghavendra M. i.e. petitioner No.2/accused No.2, has filed Form No.7 to delete 27 others in the said constituency and one Dr.Anil Thomas - petitioner No.3/accused No.3, who is said to be the President of the Minority Wing of the BJP has filed Form No.7 to delete 36 voters by furnishing false information.

6. The complainant alleges that the aforementioned accused/ petitioners have conspired together with a *malafide*

intention to snatch the voting right of innocent voters and have targeted the petitioners as well as the voters from Muslim community and are intending to hurt the religious sentiments of people belonging to a particular religious community and are also intending to create disturbance in the society and to create disturbance in the law and order situation. In this background, the complaint is filed to take appropriate action against the petitioners and the Police have registered the FIR for the offences as noted above.

7. The petitioners have filed the present petition seeking to quash the said complaint and FIR referred to above.

8. The complainant alleges that the acts and omissions attract Sections 318(4), 336(3), 336(4),353,192, 353(1), 196, 61(2) of the BNS.

9. Based on the complaint, an FIR is registered in Crime No. 220/2026.

10. Learned State Public Prosecutor-I appearing for respondent No.1 submits that the allegations in the complaint disclose the commission of cognizable offences and that the contents of the complaint attract the ingredients of the offences

referred to therein. That being the position, the investigation cannot be stalled.

11. It is the further submission that the right to vote is an extremely valuable right in a democracy, and under the guise of Special Intensive Revision, Form No.7 containing incorrect information cannot be filed.

12. Learned State Public Prosecutor-I in support of the contentions, placed reliance on the following judgments:

a. ***Anoop Baranwal vs. Union of India***[1]

b. ***Bhim Rao Baswanth Rao Patil vs. K. Madan Mohan Rao & Ors***[2]***.***

c. ***State of Punjab vs. Raj Singh and Another***[3]

d. ***Devendra Kumar vs. The State (NCT of Delhi) & Anr.***[4]

e. ***The King Emperor vs. Khwaja Nazir Ahmad***[5]

f. ***M/s. Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra And Others***[6]

g. ***State vs. M. Maridoss and Another***[7]

h. ***M. Narayandas vs. State of Karnataka and others***[8]

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[1] ***2023 SCC Online SC 216***
[2] ***(2023) 18 SCC 231***
[3] ***(1998) 2 SCC 391***
[4] ***(2025) INSC 1009***
[5] ***AIR 1945 PC 18***
[6] ***(2021) 19 SCC 401***
[7] ***(2023) 4 SCC 338***

13. Learned Senior counsel appearing for the petitioners submits that the Booth Level Agent has filed Forms on behalf of the political party with which the agent is affiliated, and such an exercise is permissible under the applicable law.

14. It is also urged that in case there is any discrepancy, error or false information in Form No.7, the Registration Officer under the Registration of Electoral Rules, 1960 will verify the same, follow the procedure, and pass appropriate orders.

15. No decision is taken (*as on the date of hearing on the application*) on the correctness of Form No.7. The Statutory right exercised by the Booth Level Agent cannot be construed as a criminal act. The complaint has been lodged only to ensure that Form No.7/objections are not filed in relation of erroneous entries in the voter's list and to dissuade Booth Level Agents of political party from filing such Forms for correcting the errors is the submission.

16. Learned State Public Prosecutor-I would also submit that the complaint is not premature and that, in view of the allegations made an investigation into the allegation is necessary.

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[8] (2003) 11 SCC 251

17. The Court has considered the contentions raised at the Bar and perused the records.

18. The Court has also gone through the judgments cited.

19. The Apex Court in ***Anoop Baranwal*** *supra* and ***Bhim Rao Basanth Rao Patil*** *supra* has held that the voting right is not mere a statutory right but a constitutional right.

20. In ***State of Punjab*** *supra* the Apex Court has held that bar on taking cognizance does not prevent the police from investigating the cognizable offence.

21. Learned SPP-I also relied on the ***King Emperor*** *supra* and the Judgment of the Apex Court in ***Neeharika*** *supra* to urge that investigation cannot be stalled if the ingredients of the complaint attract the offences.

22. Reliance is also placed on the judgment of the Apex Court in ***M.Maridoss*** *supra* to urge that the reasonable time should be given to the investigating agency to conduct the investigation.

23. The Court has kept in mind the principles laid down in the aforesaid judgments.

24. As already noticed, the gist of the allegation is that the information contained in Form No.7 is incorrect and is aimed at deleting the names of eligible voters belonging to a particular religious community who, according to the complaint, are loyal voters of a political party.

25. The validity of the Special Intensive Revision exercise in Bihar has been upheld by the Apex Court in ***Association for Democratic Reforms vs. Election Commission of India***[9]. The exercise undertaken in Karnataka is more or less similar. There is no dispute that the Special Intensive Revision exercise is governed by the Statute, Rules and such legally permissible directions and guidelines as may be issued by the Election Commission of India.

26. The Representation of the People Act, 1950, the Representation of the People Act, 1951, and the Registration of Electors Rules, 1960, (Rules, 1960) broadly constitute the Statutory scheme.

27. Rules 5 to 23 of the Rules, 1960, provide for the procedure for revising the electoral rolls, and the said exercise

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[9] (2024) SCC OnLine 661

may include the addition or deletion of the names of eligible and ineligible voters in the electoral roll.

28. The *claim* for inclusion of a name in the electoral roll is required to be signed by the person seeking such inclusion. Others cannot file such application in ***Form No.6*** prescribed. However, an *objection* to the inclusion of a name in the electoral roll may be filed by *any person whose name is already included in the roll in* ***Form No.7.***

29. Form No. 8 deals with an objection to a particular or particulars in an entry in the electoral roll. In this case the Court is not concerned with either Form No.6 or 8. The allegations are concerning Form No.7. As already noticed, objection in Form No.7 can be filed by anyone whose name is found in the said electoral roll.

30. Rule 15 of Rules, 1960 provides that the designated officer shall maintain a list of claims in Form No.9, a list of objections in Form No.10 and a list of objections to particulars in Form No.11. A copy of each such list is required to be displayed on the notice board and, along with the designated officer's remarks, forwarded to the Registration Officer.

31. Rule 16 of the Rules, 1960 provides that the Registration Officer shall maintain, in duplicate, the three lists in Forms No.9, 10 and 11 in respect of claims and objections forwarded to him by the designated officer or submitted to the Registration Officer directly, and shall display one copy of each such list on the notice board in his office.

32. Rule 17 of the Rules, 1960 provides for the rejection of certain claims and objections not in order. *The power to reject a claim or objection under the said rule is confined to cases where the claim or objection has not been filed within the prescribed period or has not been filed in the prescribed form and manner*. *Such rejection is on technicality and does not involve an adjudication on the merits of the claim or objection*.

33. Rule 18 of the Rules, 1960 provides for the acceptance of claims or objections without inquiry. Under the said Rule, if the *Registration Officer is satisfied as to the validity of a claim or objection*, *he may, without holding any further inquiry and after the expiry of one week from the date on which* the list is exhibited under Rule 16, accept such claim or objection.

34. The said Rule further provides that, where before a claim or objection is allowed and any person makes a written demand for an inquiry, such claim or objection shall not be allowed without holding a further inquiry.

35. Rule 19 of the Rules, 1960 provides for the adjudication of claims and objections that are not disposed of either under Rule 17 or Rule 18.

36. Thus, on a conjoint reading of Rules 18 and 19, it is evident that, though the Registration Officer is empowered to allow a claim or objection without further inquiry if he is satisfied as to its validity, if there is a written demand for an inquiry by any person in respect of such claim or objection, before the claim or objection is allowed, an inquiry has to be held as contemplated under Rule 20.

37. Sub-rule (2) of Rule 19 of the Rules, 1960 provides that notice relating to an inquiry into a claim or objection may be served either personally, by registered post or by affixing it to the residence or last-known residence of the person concerned within the constituency.

38. Rule 20 of the Rules, 1960 provides for a summary inquiry into claims and objections. At the time of the hearing,

the claimant, the objector and the person against whom the objection is made, or any person likely, in the opinion of the Registration Officer, to assist the officer, is entitled to appear and be heard.

39. Rule 21 of the Rules, 1960 prescribes the procedure for the inclusion of names inadvertently omitted, and Rule 21A provides for the deletion of names wrongly entered in the electoral roll.

40. Rule 22 of the Rules, 1960 provides for the final publication of the electoral roll, and Rule 23 provides for an appeal against orders deciding claims and objections.

41. From the aforementioned provisions, it is evident that a comprehensive Statutory scheme has been provided for the inclusion and deletion of names in the electoral roll. The scheme contemplates scrutiny of claims and objections, an opportunity of hearing to the persons concerned, a decision by the Registration Officer and a statutory appellate remedy in the event of any error in an order either including or deleting a name from the electoral roll.

42. Section 31 of the Representation of the People Act, 1950, reads as under:

> *31. Making false declarations.—If any person makes in connection with—*
>
> *(a) the preparation, revision or correction of an electoral roll,*
>
> *Or (b)the inclusion or exclusion of any entry in or from an electoral roll,*
>
> *a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.*

43. The prescribed Forms under the Rules, 1960 require the applicant to furnish a declaration. Section 31 of the Representation of the People Act, 1950, provides for penal consequences in the event of a false statement or declaration in Form No.7.

44. Thus, the statutory scheme under the Rules, 1960 provides for scrutiny and inquiry into the correctness of the information furnished under Form No.7 and penal consequences in case of false information.

45. Keeping in mind the aforementioned statutory safeguards, the Court has to consider whether the case is made out to stay the investigation into the allegations made.

46. The offences under BNS alleged are Sections 318(4), 336(3), 336(4),353,192, 353(1), 196, 61(2) of the BNS.

47. As noticed *supra*, the principal allegation in the complaint is that incorrect information has been furnished in the said Forms. As already noticed, under the Rules 1960, there will be an inquiry into Form No.7.

48. If the Registration Officer finds that the information in Forms are false and that the declaration attracts the offence under Section 31 of the Representation of the People Act, 1950, the officer is entitled to take such action as is advised in law.

49. Though the Rules, 1960 expressly do not eclipse the application of BNS or BNSS, considering the nature of allegations in the complaint which are already noted above, at this juncture, there is no justification for directing or permitting an investigation into the offences under Sections referred to above as hardly there is any ingredient/material to take view that there has to be investigation for the alleged offences under Sections 318(4), 336(3), 336(4),353,192, 353(1), 196, 61(2) of the BNS.

50. In the facts of the case, the Court is of the view inquiry under the Rules, 1960, has to run its course to ascertain whether the petitioners have furnished correct information.

51. The finding of the Registration Officer may furnish materials to take a call whether the case is made out to quash the FIR or to direct the investigation in to all or any of the offences.

52. Hence, the following:

ORDER

(i) Further investigation on the complaint dated 01.10.2026 registered before Narasimha Raja Police Station, Mysuru in Crime No.220/2026 is stayed till further orders.

(ii) The petitioners shall implead the State Election Commission as respondent No.3 and shall serve the copy of the petition to the standing counsel for the respondent No.3.

(iii) The Respondent No.3-Election Commission is directed to place the materials relating to the decisions taken on Form No.7 filed by the petitioners.

(iv) Reissue notice to respondent No.2.

(v) Respondent No.2 is permitted to file application for modification or vacating interim order.

(vi) Respondent No.1 is permitted to file application for modification or vacating the interim order on receipt of records from respondent No.3-Election Commission.

Sd/-

(ANANT RAMANATH HEGDE)
JUDGE

CHS, BRN