NC: 2025:KHC-K:883
CRL.P No. 200132 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200132 OF 2025

(482(Cr.PC)/528(BNSS))

BETWEEN:

SHIVASHARANAPPA DANDAPPAGOAL
S/O BASAVANAPPA,
AGE: 72 YEARS, OCC: BUSINESS
R/O. H.NO 3/68, SHAHABAD ROAD,
RAJAPUR, KALABURAGI -585105.

…PETITIONER

(BY SRI SANJAY S. KULKARNI, ADVOCATE)

AND:

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   THROUGH UNVERSITY PS, KALABURAGI,
   REP. BY ADDL. STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   KALABURAGI – 585106

2. NIJALINGAPPA
   OCC: ASI,
   AGED ABOUT 58 YEARS,
   UNIVERSITY POLICE STATION
   KALABURAGI CITY-585106.

…RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1 AND R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C.(OLD) U/SEC 528 OF BNSS, PRAYING TO, A) QUASH THE COMPLIANT AND FIR IN CRIME NO. 220/2023 DATED 31.08.2023 REGISTERED BY THE 1ST RESPONDENT POLICE STATION AGAINST THE PETITIONER HEREIN FOR OFFENCES PUNISHABLE U/SEC 32 AND 34 OF KARNATAKA EXCISE ACT 1961 AND ALSO QUASH THE CHARGE SHEET IN C.C NO. 740/2024 FILED BY THE 1ST RESPONDENT POLICE AS AGAINST THE PETITIONER HEREIN FOR OFFENCES PUNISHABLE UNDER SECTION 32 AND 34 OF KARNATAKA EXCISE ACT 1961 AND FURTHER QUASH ALL FURTHER PROCEEDINGS PURSUANT TO REGISTRATION OF CASE INCLUDING ORDRE DATED 20.02.2024 i.e., TAKING COGNIZANCE FOR THE OFFENCE U/SEC 32 AND 34 OF KARNATAKA EXCISE ACT 1961, WHICH IS PENDING ON THE FILE OF III ADDL. JMFC, KALABURAGI. B) GRANT SUCH OTHER RELIEF OR RELIEFS AS THIS HON'BLE COURT DEEMS FIT IN WITH FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

1. Accused No.2 is before this Court under Section 482 of Cr.P.C with a prayer to quash the entire proceedings in C.C.No.740/2024 pending before the court of III Addl. JMFC, Kalaburagi arising out of Crime No.220/2023 registered by University Police Station for offences punishable under Sections 32 & 34 of Karnataka Excise Act.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner submits that petitioner is a CL-2 licence holder issued under the provisions of Karnataka Excise Act. Allegation against the petitioner is that, he had sold the liquor seized in the present case to accused No.1 who in turn was selling the same to public. He submits that, based on such allegation, petitioner cannot be prosecuted for the alleged offences.

4. Per contra, learned High Court Government Pleader has opposed the petition.

5. First information was submitted in the present case by Nijalingappa, the Assistant Sub Inspector of Police attached to University Police Station, Kalaburagi on 31.08.2023 wherein it is alleged that based on credible information received that a lady was selling liquor to general public in a public place, a raid was conducted and the said lady was apprehended. It is stated that the said lady revealed her name as Parvati and informed to the

first informant that she had purchased the liquor which was in her possession from the shop of accused No.2 for the purpose of selling the same to public. It is in this background FIR was registered against accused No.1-Parvati and the petitioner herein. After investigation, charge sheet has been filed against accused Nos.1 & 2 for the aforesaid offences and Trial Court after taking cognizance of the charge sheeted offences has issued summons to the accused. Being aggrieved by the same, petitioner is before this Court.

6. Undisputedly, the petitioner holds a valid CL-2 licence issued under the provisions of the Karnataka Excise Act. Accused No.1 from whose possession the Police have seized the liquor which she was attempting to sell to general public in a public place, appears to have stated during the course of her enquiry that, she had purchased the liquor which was found in her possession from the liquor shop of the petitioner. Since the petitioner holds a valid CL-2 licence issued under the provisions of the

Karnataka Excise Act for sale of liquor, he cannot be prosecuted for the alleged offences for having sold the liquor to accused No.1.

7. Under the circumstances, I am of the opinion that the impugned criminal proceedings as against the petitioner cannot be sustained. Accordingly, the following:

ORDER

The criminal petition is ***allowed***.

The entire proceedings in C.C.No.740/2024 pending before the court of III Addl. JMFC, Kalaburagi arising out of Crime No.220/2023 registered by University Police Station for offences punishable under Sections 32 & 34 of Karnataka Excise Act, is hereby quashed against the petitioner herein.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

DHA
List No.: 1 Sl No.: 36