NC: 2025:KHC-K:3268
CRL.P No. 200494 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 20TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE V. SRISHANANDA

CRIMINAL PETITION NO. 200494 OF 2025

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

BETWEEN:

ALI SYEFUDIN S/O MOHAMMED YUSUFUDDIN,
AGE:72 YEARS,
OCC: RETIRED ASSISTANT DIRECTOR,
R/O. H.NO.12-12-86/28, OPP. COURT COMPLEX,
HAJI COLONY,
RAICHUR-584101.

...PETITIONER

Digitally signed by SUMITRA SHERIGAR
Location: HIGH COURT OF KARNATAKA

(BY SRI MALIK PASHA, ADVOCATE, APPEARED FOR
SRI LIYAQAT FAREED USTAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   RAICHUR SUB-DIVISION,
   RAICHUR,
   BY ITS REPRESENTED BY
   THE SPP
   HIGH COURT OF KARNATAKA,

BENCH KALABURAGI–585107.

2. HANAMANTH V. GUTTEDAR,
AGE: 51 YEARS, OCC: EXCISE INSPECTOR,
R/O. OFFICE OF THE EXCISE INSPECTOR,
RAICHUR DIVISION,
TQ. RAICHUR,
DIST. RAICHUR-584101.

…RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P. IS FILED UNDER SECTION 482 OF CR.P.C.(OLD) / UNDER SECTION 528 OF BNSS, PRAYING TO QUASH THE ENTIRE CHARGE-SHEET ALONG WITH ENTIRE PROCEEDINGS INITIATED IN CRIME NO.31/2022-2023 SUBSEQUENT NUMBERED AS C.C. NO. 2610/2024 IN RAICHUR SUB-DIVISION POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 11, 13, 14, 15, 32(1), 34, 38(A), OF K.E. ACT, PENDING ON THE FILE OF PRL. II JMFC COURT, RAICHUR, IN RESPECT OF PETITIONER (ACCUSED NO. 6 AS PER CHARGE-SHEET).

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

CORAM: HON'BLE MR. JUSTICE V. SRISHANANDA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE V. SRISHANANDA)

1. Heard learned counsel Sri Malik Pasha for learned counsel Sri Liyaqat Fareed Ustad appearing for the petitioner and learned High Court Government Pleader Sri Veeanagouda Malipatil appearing for the respondents.

2. This petition is filed with the following prayer:

> *"Wherefore, the petitioner most respectfully pray that this Hon'ble Court may be pleased to quash the Entire charge-sheet along with ENTIRE PROCEEDINGS INIATED IN Crime No.31/2022-23 subsequently numbered as C.C.No.2610/2024 in Raichur Sub Division police station for the offences punishable U/sec. 11, 13, 14, 15, 32(1), 34, 38(A) of KE ACT and which is pending on the file of Prl. II JMFC Court AT Raichur, in respect of petitioner (Accused no.6 as per charge sheet), in the interest of justice and equity."*

3. Facts in brief, which are utmost necessary for disposal of the present petition are as under:

3.1 Sri Hanamanth V. Guttedar, Excise Inspector, Raichur Range, got a report stating that upon the credible information, himself and other members of the raid team including independent Panchas were able to apprehend the person, who was moving on a two wheeler on 03.04.2023 carrying a cartoon box in the leg space of a two wheeler.

3.2 On enquiry, since there was no proper response by the petitioner, raid team took out the said cartoon box and opened the same in the presence of Panchas and found spurious liquor content with Imperial Blue whiskey 180 ML tetra pack without licence or permit.

3.3 On further enquiry, the said person revealed that his name is S.K.Ramanjanayya @ Ramangouda. Thereafter, they seized the same and drew panchnama.

3.4 Based on such report, a case came to be registered in Crime No.31/2022-23 for the offences under Sections 11, 13, 14, 15, 32(1), 34 and 38(A) of Karnataka Excise Act, 1965 (for short 'K.E. Act').

3.5 After thorough investigation charge-sheet came to be filed *inter alia* arresting the present petitioner as accused No.6.

3.6 Learned Trial Magistrate took cognizance of the offences under Sections 11, 13, 14, 15, 32(1), 34, 38(A) of K.E. Act and registered a criminal case in C.C. No.2610/2024.

4. The order taking cognizance and proceeding with the criminal case is called in question in this petition on the following grounds:

a) It is submitted that the present petitioner was falsely implicated in the above said case without any material available against petitioner herein.

b) It is further submitted that no allegation whatsoever is found against the petitioner either in complainant or in charge sheet.

c) That the name of the petitioner is implicated as accused No.6 only on the basis that the material was seized from the house of petitioner herein.

d) It is submitted that petitioner is a senior citizen and retired assistant director in sericulture department.

e) It is submitted that the charge sheet filed by the respondent is highly motivated. The respondent has chosen to file the charge sheet against the petitioner, even though no material worth consideration is found during the course of investigation.

f) It is submitted that even averments of entire charge sheet are taken to be true no offence alleged in the charge sheet cam been made out. Except vague allegation that the alleged liquor was found in the house of petitioner.

g) It is submitted that the prosecution cannot proceed with the case merely on the basis of preponderance of probabilities. In the

absence of any credible material worth consideration so as to implicate the petitioner for the alleged offence, the investigating officer is not justified in filing the charge sheet.

h) The respondent has filed charge sheet against the petitioner without there being any evidence available on record except confessional statements of the accuse persons. Only on the basis of complaint which amounts to abuse of process of law. Hence the charge sheet against the petitioner is liable to be quashed.

i) Viewed from any angle, the charge sheet filed against the petitioner is not sustainable in the eye of law.

j) Viewed from any angle, the continuance of criminal action against the petitioner is highly unjustified and unsustainable in the facts and circumstances of the case.

5. Sri Malik Pasha, learned counsel for the petitioner reiterating the grounds urged in the petition, vehemently contended that only on the basis of the

voluntary statement of S.K.Ramanjanayya, present petitioner has been falsely implicated in the incident resulting in abuse of process of law and sought for quashing the pending proceedings.

6. Learned counsel for the petitioner however contended that role of petitioner is only to the extent that he is the owner of the property and other accused persons had taken his property for rent and therefore, there is no direct or indirect nexus with the incident and the present petitioner and sought for quashing the proceedings.

7. *Per contra*, Sri Veeranagouda Malipatil, learned High Court Government Pleader for the respondents supports registration of the case and proceeding with the criminal case, on the ground that seizure of huge quantity of illicit liquor and further investigation conducted by the Investigation Agency pursuant to the voluntary statement given by the accused, would be sufficient enough to

establish the active role played by the petitioner in the incident and sought for dismissal of the petition.

8. Having heard the arguments on both sides, this Court perused the material on record meticulously.

9. On such perusal of the material on record, it is seen that the head of the raid team did not nurture any previous enmity or animosity against S.K.Ramanjanayya in foisting a false case.

10. Based on the voluntary statement given by S.K.Ramanjanayya, further investigation has been taken place and the role assigned to each of the accused is specifically mentioned in column No.13 of the charge-sheet.

11. It is pertinent to note that the present petitioner being the owner of the property, where the offence has taken place, did not furnish any further details

as to the property being rented out to the main accused - S.K.Ramanjanayya.

12. Anyway, it is for the petitioner to establish that the property where the offence has taken place was not in his exclusive possession and it was in the exclusive possession of the first accused – S.K.Ramanjanayya.

13. Reserving such liberty for the petitioner, without holding mini trial, this Court is of the considered opinion that pending proceedings against the petitioner cannot be quashed.

14. Hence, the following order is passed:

ORDER

a) Criminal petition is dismissed.

b) It is made clear that this Court has not expressed any opinion on merits of the matter and all the available defence is kept

open for the petitioner to be urged in the pending criminal case.

Sd/-
(V SRISHANANDA)
JUDGE

SBS/SRT
List No.: 1 Sl No.: 43
CT:PK