



CNR: KAHC010012302024

NC: 2026:KHC:54018
CRL.P No. 386 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 386 OF 2024

BETWEEN:

DURGADAS SHETTY,
S/O D DEVAPPA SHETTY,
AGED ABOUT 49 YEARS,
OCC : BUSINESS,
R/AT DURGA NIVASA,
MAVANTURU, KOYLA GRAMA,
BANTWALA TALUK-574211
D.K.DISTRICT.

...PETITIONER

(BY SRI. DINESHKUMAR RAO K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY P.S.I. VITTAL POLICE STATION,
BANTWALA, D.K-574 211
REPRESENTED BY
STATE BY PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU-560 001.
2. SANDEEP KUMAR SHETTY
S/O NOT KNOWN TO THE PETITIONER
AGED ABOUT MAJOR
OCC : POLICE OFFICER,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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R/AT VITLA POLICE STATION,
BANTWAL TALUK, D.K-574 211.

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH INITIATION OF CRIMINAL CASE AGAINST THE PETITIONERS IN C.C.NO.817/2023, PENDING ON THE FILE OF ADDITIONAL CIVIL JUDGE AND JMFC COURT, BANTWAL, D.K. (CHARGE SHEETED FOR OFFENCE P/U/S 32, 34, 36(B) AND 43(A) OF THE KARNATAKA EXCISE ACT,1965).

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed by the petitioner/accused no.2 under Section 482 of Cr.P.C. to quash the proceedings against the petitioner in C.C.No.817/2023, arising out of Crime No.42/2023 dated 21.03.2023, filed by the Vitla Police Station, Bantwal, against the petitioner and another for the offences punishable under Sections 32, 34, 36(B), 43(A) of Karnataka Excise Act, pending on the file of ACJ and JMFC, Bantwal, D.K.

2. The brief facts of the case are that respondent No.2, who is the Police Officer of Vitla Police Station, lodged a *suo-moto* complaint on 21.03.2023, alleging that he had received a



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credible information while he was on patrol duty along with his staff. Accordingly, when they reached a place called Mani Village at about 9:00 a.m., they found that a person was allegedly selling liquor illegally in the public ground situated at the said place. Based on the said information, the complainant and his staff, along with the panchas, conducted a raid at the said spot. At about 9:30 a.m., they noticed a person sitting on a scooter with a polythene bag and attempting to escape from the spot. However, the Police apprehended him and, upon enquiry, came to know that his name was Pushparaja Shetty. On inspection of the polythene bag in his possession, several tetra packets containing liquor of different brands were found. The same were seized along with the scooter. Subsequently, it came to the knowledge of the Police that the said liquor had been purchased from the shop owned by the petitioner. Accordingly, a case was registered against the petitioner and accused No.1. Thereafter, the Police conducted investigation and laid charge sheet against both the accused persons, arraying the present petitioner as accused No.2 for the aforementioned offences. The learned Magistrate, accordingly,



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took cognizance of the offences. Aggrieved by the same, the petitioner has preferred the present petition.

3. Heard the learned counsel for the petitioner and the learned HCGP.

4. The contention of the learned counsel for the petitioner is that the petitioner has not committed any offence under the provisions of the Karnataka Excise Act. The petitioner, being a licensed liquor vendor, had sold the liquor to accused No.1 in accordance with law, and the subsequent illegal sale of the said liquor by accused No.1 to the public was neither within the knowledge nor within the control of the petitioner. Therefore, the petitioner cannot be held vicariously liable for the alleged acts committed by accused No.1. Accordingly, he prays to allow the petition.

5. This prayer is opposed by the learned HCGP on the ground that now the charge sheet has been filed and statement of material witness discloses the involvement of this petitioner in the alleged crime. Accordingly, he prays to dismiss the petition.



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6. I have given my anxious consideration both on the submission and perused the entire materials available on record.

7. As could be gathered from the averments of the complaint, admittedly, the respondent-Police had received credible information that an unknown person was selling liquor in a public place. Accordingly, the respondent-Police, along with the panchas, conducted a raid and apprehended accused No.1 along with tetra packets containing liquor. It is the case of the respondent-Police that, during the course of investigation, accused No.1 stated before the Police that he had purchased the said liquor from the liquor shop of the petitioner. The charge sheet averments reveal that the petitioner is the licence holder of Prashant Wines. There is no allegation in the charge sheet that the petitioner had colluded with accused No.1 in the illegal sale of liquor. The petitioner, being legally entitled to sell liquor, had sold the same to accused No.1 in the ordinary course of business. Thereafter, the petitioner cannot be held responsible for any illegal act committed by accused No.1, without there being any material to establish the petitioner's



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knowledge of, or participation in such illegal activity. Further, the provisions of the Karnataka Excise Act do not attract vicarious liability in the absence of any specific statutory provision creating such liability. The petitioner, therefore, cannot be held vicariously liable for the acts committed by accused No.1. In such circumstances, the continuation of the proceedings against the petitioner would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed***.
- ii. The proceedings against petitioner/accused No.2 in CC No.817/2023, arising out of Crime No.42/2023 dated 21.03.2023, filed by the Vitla Police Station, Bantwal, for the offences punishable under Sections 32, 34, 36(B), 43(A) of Karnataka Excise Act, pending on the file of ACJ and JMFC, Bantwal, D.K, are hereby quashed.

**SD/-
(RAJESH RAI K)
JUDGE**