



CNR: KAHC010039272024

NC: 2026:KHC:50239
CRL.P No. 679 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 679 OF 2024

BETWEEN:

SHRI. KRISHNAMURTHY
S/O LATE G.R SRINIVAS
AGED ABOUT 43 YEARS
CL-2 LICENSE, DISHNA WINES STORE
TERAKANAMBI VILLAGE, GUNDLUPET TQ
R/AT NO 209, 'E' BLOCK, 9TH MAIN,
VIJAYANAGARA 3RD STAGE MYSORE
PIN-5700 17

...PETITIONER

(BY SRI. B.N SHETTY, ADVOCATE)

AND:

TEREKANAMBI POLICE BY
THE STATE OF KARNATAKA
REP BY THE STATE PUBLIC
PROSECUTOR, HIGH COURT BLDG
BANGALORE - 560 001

...RESPONDENT

(BY SRI. MAHESH P, HCGP)

THIS CRL.P IS FILED U/S. 482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN SO FAR AS THE
PETITIONER IS CONCERNED (ACCUSED NO.2) IN
C.C.NO.1942/2021 PENDING ON THE FILE OF THE PRL.CIVIL
JUDGE AND J.M.F.C GUNDLUPET, CHAMARAJANAGAR DISTRICT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA





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REGISTERED FOR THE OFFENCE P/U/S 36(1)(b) OF
KARNATAKA EXCISE ACT.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C. seeking to quash the entire proceedings insofar as the petitioner is concerned, who is arrayed as accused No.2 in C.C.No.1942/2021 pending on the file of Principal Civil Judge & JMFC., Gundlupet, Chamrajnagar District, for the offences punishable under Section 36(1)(b) of Karnataka Excise Act.

2. The factual matrix of the case is that on credible information, the Sub-Inspector of Police of the respondent - Terakanambi police, arrested a person by name Madesha, who was riding a motorcycle carrying a plastic bag which contained 91 tetra packet of 90 ml Haywards Cheers Whiskey without having any permit and on enquiry, he informed that he purchased the said liquor from Disha Wine Store, Terakanambi,



to sell the same for higher rate to the public. Thereafter, the police have seized the said liquor in tetra packet and registered FIR in Crime No.66/2021 for the offence punishable under Sections 32 and 34 of the Karnataka Excise Act, 1965 read with Section 51(b) of the Disaster Management Act, 2005 against said Madesha and also against the petitioner for the reason that accused no.1 had purchased the said liquor from the shop of the present petitioner, who was a licensee. Subsequently, the said police investigated the case and laid charge sheet against accused no.1 and the petitioner for the aforementioned offences. The learned Magistrate took cognizance of the case against the petitioner only in respect of offence punishable under Section 36(1)(b) of the Karnataka Excise Act. Aggrieved by the same, the petitioner is before this Court in the present petition seeking quashing of the proceedings.

3. The primary contention of the learned counsel for the petitioner is that the petitioner is the license holder for the retail off vend of Indian liquor or foreign liquor or both as per the registered No.ES20230628843. Accused no.1 purchased liquor from his shop. As such, it is obvious that the subsequent



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act of accused no.1 i.e., re-sale of those liquor tetra packets for higher price was absolutely not within the knowledge of the petitioner. Moreover, as per the notification of the Government dated 20.06.2007, a criminal case cannot be registered by the police against the license holders under the Karnataka Excise Act to detect, investigate and charge sheet in the Court of law for the excise offences. Despite the police have filed this case out of vengeance. Accordingly, he prays for allowing of the petition by quashing the charge sheet.

4. On the other hand, the prayer in the petition is opposed by the learned HCGP.

5. I have given my anxious consideration on the submissions of learned counsel for the petitioner as well as the learned HCGP and perused the material on record. As could be gathered from records, admittedly, accused no.1 was caught hold by the respondent - police on 31.05.2021 and the liquor packets were seized. However, the petitioner was implicated solely based on the voluntary statement of accused no.1 that he had purchased said liquor tetra packets from the petitioner shop. It is obvious that the petitioner, being the licensee, could



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not have the knowledge whether the customers purchase the liquor for personal use or for some other purposes. In such circumstances, the vicarious liability cannot be held against the petitioner. Moreover, the aforesaid Government Notification dated 20.06.2007 clearly states that in respect of excise offence, no regular police or the jurisdictional police could investigate and charge sheet the licence holders. The Co-ordinate Bench of this Court in similar circumstances in Crl.P.No.691/2024 c/w. Crl.P.Nos.645, 693, 703, 772, 821 of 2024 disposed of on 03.02.2026 has quashed the proceedings against the petitioner in identical cases in other crimes.

6. Placing reliance on the above judgments and also considering the fact and circumstance of this case, I am of the considered view that even if the entire charge sheet material is taken on its face value, no offence could be made out against the petitioner. As such, continuation of criminal proceedings against this petitioner is nothing but abuse of process of law. Hence, entire proceedings insofar as the petitioner is concerned, who is arrayed as accused No.2 in C.C.No.1942/2021 pending on the file of Principal Civil Judge &



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JMFC., Gundlupet, Chamrajnagar District, for the offences punishable under Section 36(1)(b) of Karnataka Excise Act are quashed. The petition is accordingly ***allowed***.

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

PKS
List No.: 1 Sl No.: 24