



CNR: KAHC010149662026

NC: 2026:KHC:52231
CRL.P No. 3267 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 3267 OF 2026

BETWEEN:

SMT RESHMA THABASAM
W/O SYED NASIR HUSSAIN,
AGED ABOUT 50 YEARS
R/OF NEAR MADEEN MASJID,
SHARIFF STREET, CHIKKAMAGALURU-577101

...PETITIONER

(BY SRI V D RAVIRAJ.,ADVOCATE)

AND:

THE STATE BY EXCISE SUB INSPECTOR
CHIKKAMAGALURU-SUB-DIVISION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, BENGALURU-560001

...RESPONDENT

(BY SRI M V ANOOP KUMAR, ADDL. SPP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO. 1630/2025, PENDING ON THE FILE THE PRINCIPAL CIVIL JUDGE AND JMFC AT CHIKKAMAGALURU, FOR THE OFFENCE PUNISHABLE UNDER SECTION 20(B), 20(B)(II)(A), 25 AND 8(C) OF N.D.P.S.

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

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RAMNATH HEGDE





CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional State Public Prosecutor for the respondent-State.

2. This petition is filed to quash the proceedings in C.C. No.1630/2025 pending before JMFC, Chikkamagaluru.

3. The offences alleged are punishable under Sections 20(b), 20(b)(ii)(A), 25 and 8(c) of Narcotic Drugs and psychotropic Substances Act, 1985 ('NDPS Act'), Kolar.

4. Learned counsel appearing for the petitioner would submit that, the petitioner is the owner of a vacant site and adjacent to the petitioner's property, there was one more vacant site where the neighbour started construction of a building. The building workers put up a small shed in front of the petitioner's house on a public street and they were residing there as the construction was going on in the neighboring site. The complaint is filed and after investigation the charge sheet is filed on the allegation that 199 grams of ganja is recovered from the shed which is said to be the shed of the petitioner. It

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is also stated in the complaint that the person who was occupying the shed ran away from the scene and he is not yet traced.

5. Learned counsel for the petitioner would submit that the shed is not built in the land of the petitioner, it is built on the road side adjacent to the property of the petitioner and the workers who were working on the site next to the petitioner's land had built the shed and the petitioner has no connection with the said shed. Thus, learned counsel would contend that, the charge sheet could not have been filed against the petitioner for the aforementioned offences.

6. Learned counsel for the petitioner would submit that, since the said substance is not recovered from the petitioner's property, the petitioner cannot be charged for the offences under the aforementioned provisions.

7. Learned Additional SPP would submit that the shed belongs to the petitioner. Though the substance is not recovered from the petitioner, it is found to be the property belonging to the petitioner and the petitioner was conscious of

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the fact that somebody was using the substance by occupying that particular shed.

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

9. The Court has also directed the respondent-State to produce the mahazar and other records. The mahazar produced along with the petition discloses the boundary of the shed as under:-

On the east	:	Property of Mareen son of Khalid,
On the west	:	Property of Chand Hussain S/o Syed Mohiddin,
On the north	:	Property of Shoaib S/o Hanif, and
On the south	:	Property of Nasir.

10. The panchanama would also indicate that the extent of the petitioner's property is 30x40 feet and the temporary shed which is allegedly constructed measures 15x15 feet. The property records standing in the name of the petitioner indicates the following boundaries.

On the east,	:	Property of Khalid Ahmad.
On the west,	:	Property of Chand Hussain and

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On the north : Road,

On the south : Road.

11. Except on the western side, there is no match of the boundaries on the remaining three sides. That being the position, the Court is of the view that the charge sheet material does not indicate that the alleged shed is in the property of the petitioner. Admittedly, the substance allegedly recovered, is not recovered from the petitioner. Since the charge sheet material does not indicate that the shed is built on the land of the petitioner, the Court is of the view that the prosecution against the petitioner is not tenable.

12. Hence, the following:

ORDER

- (i) Accordingly, the petition is ***allowed***.
- (ii) The proceedings in C.C. No.1630/2025 pending before JMFC, Chikkamagaluru, is quashed.
- (iii) It is made clear that the order does not come in the way of respondent-State investigating the matter

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against the person who allegedly fled from the
shed.

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 2 Sl No.: 12