



CNR: KAHC010471342019

NC: 2026:KHC:52808
CRL.P No. 8042 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.8042 OF 2019

BETWEEN:

1. SRI. BASAVARAJ
S/O SRI. MAHANTAPPA,
AGED ABOUT 31 YEARS,
SUPERVISOR AT SLV & ASSOCIATES
YELAGONDANAHALLI VILLAGE
R/O HIREKUDAGALI VILLAGE
HUNGUND TALUK
BAGALAKOT DISTRICT - 587115.
2. SRI. PRASANNA
S/O NARAYAPPA
AGED ABOUT 34 YEARS,
CRUSHER MANAGER
MANGASANDRA
KOLAR DISTRICT-563 101.
3. SRI. PRAKASH
S/O SRI SRINIVASA
AGED ABOUT 50 YEARS,
CRUSHER SUPERVISOR
NO.17/15, 1ST FLOOR
SRINIVASA KANTAMNALLUR
BENGALURU-560 049.
4. SRI. NAGARAJA
S/O SRI APPAJI GOWDA
AGED ABOUT 32 YEARS,
CRUSHER JALLI PITER

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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PAKARAHALLI BANGARAPETE
KOLAR-563 114.

...PETITIONERS

(BY SRI. C.R. GOPALASWAMY, SENIOR COUNSEL A/W
SMT. DEEPA L. KALLIMANI, ADVOCATE FOR
SRI. BHARGAV G., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MULABAGALU RURAL POLICE
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. SUHAS GOWDA M., HCGP)

THIS CRIMINAL PETITION IS UNDER SECTION 482 OF
CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
S.C.NO.113/19 (ARISING OUT OF CR.NO.229/2017) OF THE
MULABAGAL RURAL P.S.) PENDING ON THE FILE OF THE PRL.
DISTRICT AND SESSIONS JUDGE, KOLAR DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned Senior counsel appearing for the
petitioners and learned High Court Government Pleader
appearing for the respondent/State.



2. The prayer is sought to quash the proceedings initiated against these petitioners in S.C.No.113/2019 arising out of Crime No.229/2017 for the offences under Sections 4 and 5 of Explosive Substances Act, 1908.

3. The factual matrix of case of the prosecution is that the Police of Mulbagal Rural Police Station, Kolar District has registered a suo motu complaint against the petitioners and three others both under Section 4 of Explosive Substances Act, 1908 Act and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957. Having registered the case in Crime No.229/2017, the Police investigated the matter and filed the charge sheet against these petitioners. While filing the charge sheet, did not invoke the offence under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, but only invoked Sections 4 and 5 of Explosive Substances Act, 1908.

4. Learned counsel appearing for the petitioners would vehemently contend that charge sheet reveals neither the survey number of the land nor the proprietor or the partners of the quarry. Though the name of the partners is disclosed in the



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FIR, they were not implicated in the charge sheet. The first petitioner was working in the said SVS and Associates, the Crushers and he has nothing to do with the explosives, if any stored in the premises belonged to the proprietors/partners. In addition to that, the petitioners were not at all present at the time of the alleged raid conducted, except the first petitioner and the other petitioners have been falsely implicated in the case. The counsel also would contend that Sections 4 and 5 of the Explosives Substances Act deals only with regard to any act which intent to cause endanger to life or to cause serious injury to the property by the explosion and nothing is found in the charge sheet against these petitioners are concerned. The SVS and Associates is a partnership firm and said firm has obtained proper license in respect of property bearing Survey No.64 of Yellagondanahalli Village and partnership deed and license granted by the competent authority is also produced as Annexures-D and E respectively. The police also while filing the charge sheet did not array the partners as accused, except these petitioners, who are employees and only the first



petitioner was present when the raid was conducted, but, he is no way concerned with explosives.

5. Per contra, learned High Court Government Pleader appearing for the respondent/State would submit that first petitioner was very much present at the spot and based on his statement, other petitioners have been falsely implicated in the case. The counsel would contend that recovery is made. Hence, Sections 4 and 5 of Special Enactment was invoked.

6. Having heard learned counsel appearing for the petitioners and learned High Court Government Pleader appearing for the respondent/State and Annexures-D and E produced before the Court are partnership deed and license granted by the competent authority to the said company and while filing the complaint, registered the case against these petitioners and the very contention of learned counsel for the petitioners is that petitioner Nos.2 to 4 were not present at the spot and also contend that even the Investigating Officer has not enquired them, except falsely implicating them in the case. The counsel also would contend that based on the co-accused statement, they have been arraigned as accused.



7. Learned High Court Government Pleader for the respondent/State also not disputes the fact that petitioner Nos.2 to 4 have been arraigned as accused based on the co-accused statement. If there is no recovery and also not enquired them when the raid was conducted and there is no material against them except implication, there cannot be any criminal ordeal against the said petitioners and there is no any substantive material against them.

8. No doubt, it is not in dispute that first petitioner was very much present, but he is not the owner and the Investigating Officer has not collected any material that first petitioner had purchased explosive substances. It is also not the case of the prosecution that he was holding the same and the same was there in the premises which was owned by owners of the company. When such being the case, there cannot be any prosecution against the first petitioner, who is also a labour. In the absence of any material against these petitioners and these petitioners being the employees of the said SVS and Associates, they cannot be prosecuted invoking the offence under Sections 4 and 5 of the Explosive Substances



Act, 1908 and the Investigating Officer did not implicate the owner where the explosives are found in the premises belonging to the partnership firm, but added only the employees as accused persons and the same is nothing but an abuse of process. If this Court fails to exercise the power under Section 482 of Cr.P.C., it leads to miscarriage of justice.

9. In view of the discussion made above, I pass the following:

ORDER

- (i) The Criminal petition is ***allowed***.
- (ii) The proceedings initiated against these petitioners in S.C.No.113/2019 arising out of Crime No.229/2017 for the offences punishable under Sections 4 and 5 of Explosive Substances Act, 1908, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 12