



CNR: KAHC010482512026

NC: 2026:KHC:40272
CRL.P No. 10525 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO. 10525 OF 2026 (482(Cr.PC) / 528(BNNS))

BETWEEN:

DEEPTHI PANDEY V
D/O V C PANDEY,
AGED ABOUT 29 YEARS,
R/AT NO.159, 9TH CROSS,
13TH MAIN, NEAR SHIVA TEMPLE,
ITI LAYOUT, MANGAMANNAPALYA,
BOMMANAHALLI,
BENGALURU-560 068.

...PETITIONER

(BY SRI. YADUNANDAN N, ADVOCATE)

AND:

1. STATE OF KARNATAKA
ALUR POLICE STATION,
HASSAN DISTRICT-573 213
BENGALURU CITY, REP BY SPP,
HIGH COURT OF KARNATAKA BUILDING,
BANGALORE-560 001.
2. POLICE OFFICER
ALUR POLICE STATION,
HASSAN DISTRICT-573 213.

...RESPONDENTS

(BY SRI. VINAY MAHADEVAIAH, HC GP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN CC.NO.151/2023 ON THE FILE OF CIVIL JUDGE AND JMFC, ALUR, HASSAN FOR THE ALLEGED OFFENCES PU/S 188 AND 269 OF THE IPC, SECTIONS 32 AND 34 OF THE KARNATAKA EXCISE ACT, SECTIONS 20(b) AND 27(b) OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 AND SECTION 51(b) OF THE DISASTER MANAGEMENT ACT, 2005, ARISING OUT OF FIR IN CRIME NO.0080/2021 REGISTERED BY ALUR POLICE STATION, INSOFAR AS THE PETITIONER/ ACCUSED NO.134 IS CONCERNED.



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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks quashing of the proceedings in C.C.No.151/2023 arising out of Crime No.80/2021 registered by the 1st respondent – police, pending on the file of the Additional Civil Judge and JMFC Court, Alur, for the offences punishable under Sections 188 and 269 of IPC and Sections 27(b), 20B of the Narcotic Drugs and Psychotropic Substances Act and Section 51(b) of the Disaster Management Act.

2. Heard learned counsel for the petitioners and learned HCGP for respondents and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner was arraigned as accused No.134 in C.C.No.151/2023 along with 138 other accused persons, pursuant to FIR in Crime No.80/2022. The offences alleged against the petitioner and other accused are under Sections 188, 269 of IPC and Sections 27(b),



20B of the Narcotic Drugs and Psychotropic Substances Act and Section 51(b) of the Disaster Management Act.

4. In this context, learned counsel for the petitioner invited my attention to an order of this Court passed in order to point out that in ***Crl.P.No.8789/2023 dated 23.01.2025 (Aadesh Vs. State of Karnataka)*** proceedings as against accused No.68 was quashed and in view of quashment of criminal proceedings *qua* accused No.68, the present petitioner who is accused No.134 in C.C.No.151/2023 would be entitled to seek parity.

5. This Court in the case of ***Aadesh Vs. State of Karnataka – Crl.P.No.8789/2023 dated 23.01.2025***, quashed the criminal proceedings *qua* accused No.68 in C.C.No.151/2023 and held as under:

"In this petition, the petitioner seeks the following reliefs:

- "a. *Issue an order quashing the entire proceedings in C.C No.151 of 2023 qua the Petitioner/Accused No.68, pending on the file of Civil Judge and JMFC, Alur, Hassan for the alleged offences punishable under Sections 188 and 269 of Indian Penal Code, Sections 32 and 34 of Karnataka Excise Act 1965, Sections 20(B) and 27 (B) o the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 51(B) of the Disaster Management Act, 2005 arising out of FIR*



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bearing Crime No.0080 of 2021 registered by Allur Police Station for the offences punishable Under Section 188 and 269 of Indian Penal Code and Section 32 and 34 of Karnataka Excise Act 1965. Produced as Annexure-A to Annexure-D respectively.

- b. *Grant such other relief as this Hon'ble deems fit to meet the ends of Justice."*

2. *Heard the learned counsel for the petitioner, learned HCGP for the respondent and perused the material on record.*

3. *In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel for the petitioner-accused No.68 invited my attention to the order passed by the Co-ordinate Bench of this Court in Crl.P.No.3851/2024 dated 21.11.2024, in order to contend that the said petition having been filed by accused No.71, who was similarly/identically situated as that of the petitioner, the Co-ordinate Bench of this Court quashed the said proceedings qua the petitioner therein, who was arraigned as accused No.71. It is therefore submitted that by virtue of Doctrine of Parity, the impugned proceedings qua the petitioner-accused No.68 also deserves to be quashed.*

4. *Per contra, learned counsel for the respondent submits that there is no merit in the matter and the same is liable to be dismissed.*

5. *As rightly contended by the learned counsel for the petitioner, a perusal of the material on record, will indicate that both the petitioner herein who is arraigned as accused*



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No.68 as well as Kevin Cheriya, who is arraigned as accused No.71, are similarly/ identically placed and the proceedings qua the aforesaid Kevin Cheriya - accused No.71 was allowed by the Co-ordinate Bench of this Court in the aforesaid petition and quashed the proceedings qua the petitioner, by holding as under:

"6. On perusal of the complaint and other documents, the Police has to investigate the case under Section 188 of IPC as there is a bar for registering case under Section 195 of Cr.P.C. The Police cannot register F.I.R or file charge sheet for the offence under Section 188 of IPC as complainant has to file private complaint. Apart from that petitioner is said to be only a visitor in the party. This Court has held in a catena of decisions that where Sections 32 and 34 of Karnataka Excise Act is invoked by the Police, Police shall obtain warrant from the Magistrate under Section 53 of the Karnataka Excise Act. If the Police have not obtained the warrant due to urgency, they shall record the reason in writing under Section 54 of the Karnataka Excise Act. That apart, the Police must register the F.I.R under Section 151 of Cr.P.C., prior to proceeding for seizing the articles, but in this case, property was seized prior to registration of F.I.R. The Police have also invoked Section 51(B) of the Disaster Management Act, whereas the private complaint is required to be filed under Section 51 of the Disaster Management Act. Police cannot register the FIR. The investigation conducted by the Police is hit by Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Therefore, the criminal proceedings against the petitioner is not sustainable.

7. This Court also quashed the criminal proceedings as against Accused No.53 in Criminal Petition No.9483/2023 dated 24.01.2024. In view of the gross violation of the provisions under Cr.P.C., Disaster Management Act as well as Karnataka Excise Act, the proceedings against the petitioner cannot be sustained.

8. The Criminal Petition is **allowed**. The criminal proceedings against the petitioner/Accused



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No.71 in C.C.No.151/2023 pending on the file of the Civil Judge and JMFC, Alur, is hereby quashed."

6. *In view of the aforesaid facts and circumstances and the material on record, which indicate that the proceedings as against accused No.71, who was similarly/identically situated to the petitioner - accused No.68, I am of the considered view that by applying / invoking the Doctrine of Parity, the impugned proceedings qua the petitioner-accused No.68, also deserves to be quashed.*

7. *Accordingly, I pass the following:*

ORDER

- (i) *The Criminal Petition is allowed; and*
- (ii) *The impugned proceedings in C.C.No.151/2023 arising out of Crime No.0080/2021 registered by the Alur Police Station, pending on the file of the Civil Judge and JMFC, Alur, Hassan, qua the petitioner-accused No.68, is hereby quashed."*

8. In the instant case, it is an undisputed fact that proceedings as against accused No.68 has been quashed by this Court in CrI.P.No.8789/2023 and consequently, by applying the Doctrine of Parity, proceedings against the petitioner - accused No.134 in this petition also deserves to be quashed.



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9. In the result, I pass the following:

ORDER

(i) Petition is hereby **allowed**.

(ii) The proceedings in C.C.No.151/2023 arising out of FIR in Crime No.80/2021 registered by the 1st respondent – Police, pending on the file of the Additional Civil Judge and JMFC, Alur, for the offences punishable under Sections 188, 269 of IPC and Sections 27(b), 20B of the Narcotic Drugs and Psychotropic Substances Act and Section 51(b) of the Disaster Management Act, insofar as the petitioner-accused No.134 is concerned, are hereby quashed.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

Srl.