



CNR: KAHC010509112026

NC: 2026:KHC:47607
CRL.P No. 11146 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 11146 OF 2026

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. PRUTHVIRAJ
S/O DORAIRAJ,
AGED ABOUT 34 YEARS,
R/AT NO. NA1G1, NETHRAVATHI BLOCK,
VIJAYA BANK ENCLAVE, BILEKAHALLI,
BANNERGHATTA MAIN ROAD,
BENGALURU 560076.

...PETITIONER

(BY SRI. YADUNANDAN N.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CHIKKAJALA POLICE STATION,
BENGALURU RURAL DISTRICT,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560001.

...RESPONDENT

(BY SMT RAHSMI PATEL, HCGP)

CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE CRIMINAL PROCEEDINGS IN C.C.NO.10198/2022 PENDING ON THE FILE OF THE HONBLE ADDL.CIVIL JUDGE AND J.M.F.C DEVANAHALLI FOR THE ALLEGED OFFENCE P/U/S 5,21,24 OF

Digitally
signed by
CHETAN B C
Location:
High Court of
Karnataka



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THE CIGARETTES AND OTHER TOBACCO PRODUCTS ACT 2003
SEC.188,278,290,291 OF THE IPC AND SEC.102 AND 103 OF
THE KARNATAKA POLICE ACT 1963 ARISING OUT OF
CR.NO.43/2022 (FIR.NO.194/2022) REGISTERED BY
CHIKKAJALA P.S. IN SO FAR AS THE PETITIONER / ACCUSED
NO.1 IS CONCERNED

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The Petitioner is before the court calling in question the proceedings in C.C.No.10198/2022, pending on the file of the learned Additional Civil Judge and JMFC, Devanahalli, for the offences punishable under Sections 5, 21, and 24 of the Cigarettes and Other Tobacco Products Act, 2003, Sections 188, 278, 290 and 291 of the Indian Penal Code and Sections 102 and 103 of the Karnataka Police Act, 1963, arising out of Crime No.43/2022 (FIR No.194/2022) registered by Chikkajala Police Station.

2. The proceedings is of the year 2022. When a Government Order which banned hookah under the COTP



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Act, was not yet in force, the proceedings had commenced then. The petitioner challenges the said proceeding in C.C.No.10198/2022.

3. In the light of the ban of hookah, this court directed the petitioner to file an affidavit of undertaking that he would not sell hukkah in the premises. The affidavit is filed and it reads as follows:

AFFIDAVIT

"1, **Sri. Pruthviraj**, S/o Sri. Durairaj, aged about 34 years, R/at No. NA1G1, Nethravathi Block, Vijaya Bank Enclave, Bilekahalli, Bannerghatta Main Road, Bengaluru - 560076, at presently D-406, Renaissance Temple Bells apt, Yeshwanthpur, bengaluru-560022, do hereby solemnly affirm and state on oath as follows:

1 That I am the Petitioner in the above Criminal Petition, I am swearing to this affidavit, and I am well acquainted with the facts of the case.

2 I state that I have been arrayed as Accused No.1 in C.C.No.10198/2022 arising out of Crime No.43/2022 registered by Chikkajala Police Station is pending on the file of the Hon'ble II Addl. Civil Judge and JMFC, Devanahalli, for the alleged offences punishable under Sections 5, 21 and 24 of the Cigarettes and Other Tobacco Products Act, 2003, Sections 188, 278, 290 and 291 of the Indian Penal Code and Sections 102 and 103 of the Karnataka Police Act, 1963.

3. I state that I have filed the above criminal petition challenging the entire proceedings in C.C.No.10198/2022 pending on the file of the Hon'ble II Addl. Civil Judge and JMFC, Devanahalli.



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4.I state that this Hon'ble court by order dated 24.08.2026 directed me to file an affidavit in respect of service of hukkah after the State Government imposed a ban of the same. Hence this affidavit.

5. I state that while the above crime was registered, there was no ban on hukkah and there were no restraint or regulation of the same. I state that subsequently, the State Government brought in regulation and banned the same. I state that we have not served hookah and other products subsequent to ban of the same."

4. In the light of the ban itself of hukkah and the affidavit of the petitioner that he would abide by the provisions of law as a matter of fact, the petition is allowed.

Accordingly, I pass the following:

ORDER

- i) The petition is **allowed**.
- ii) The impugned proceedings in C.C.No. 10198/2022 arising out of Crime No.43/2022 registered by Chikkajala Police Station, pending on the file of the learned Additional Civil Judge and JMFC, Devanahalli, qua the petitioner, is hereby quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

HR