



CNR: KAHC010509362019

NC: 2026:KHC:55135
CRL.P No. 1281 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 5TH DAY OF OCTOBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE H.P.SANDESH
CRIMINAL PETITION NO.1281 OF 2020

BETWEEN:

1. SRI. MARASANDRA MUNIYAPPA
AGED ABOUT 59 YEARS
S/O SRI. MUNINARASAPPA
R/AT MAYA WHITE HOUSE
KANSHIRAM NAGAR, AMBEDKAR ROAD
LAKSHMIPURA, BANGALORE 560 097.

...PETITIONER

(BY SRI. SHIVAKUMAR D.A. ADV.,)

AND:

1. STATE BY DODDABELAVANGALA
POLICE STATION
DODDABELAVANGALA
DODDABALLAPUR TALUK
BANGALORE RURAL DISTRICT
REP. BY GOVERNMENT ADVOCATE
HIGH COURT OF KARNATAKA
BANGALORE-561203.
2. THE DEPUTY DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
BANGALORE NORTH
BANGALORE-560007.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M, HCGP FOR R1 & R2)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE FINAL REPORT IN C.C.NO.772/2009 PENDING ON THE FILE OF ADDITIONAL CIVIL JUDGE AND J.M.F.C., DODDABALLAPURA AND CONSEQUENTLY QUASH THE FIR IN CR.NO.66/2009 REGISTERED BY THE DODDABELAVANGALA POLICE FOR THE OFFENCE P/U/S 4(1), 4(1)(a) AND 21 OF M.M.D.R. (MINES AND MINERALS DEVELOPMENT AND REGULATION) ACT, 1957, RULE 3(1), 42, 44 OF KARNATAKA MINES AND MINERALS RULE, 1984 AND SECTION 379 OF IPC, IN SO FAR AS THIS PETITIONER IS CONCERNED.

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 the learned counsel for the petitioner and also the learned High Court Government Pleader for the respondents-State.

2. The prayer is sought for quashing of the initiation of proceedings against the petitioner for the offence punishable under Section 4(1), 4(1)(a), 21 of the Mines and Minerals (Development and Regulation) Act, 1957, and Rules 3(1), 42, 44 of the Karnataka Minor Mineral Concession Rules, 1994, and Section 379 of IPC in Crime No.66/2009 registered by Doddabelavanagala Police and the police investigated the



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matter and filed final report in C.C.No.772/2009 and pass appropriate order.

3. The main contention of the learned counsel appearing for the petitioner is that the police ought not to have invoked the procedure under Section 154 of Cr.P.C. for the offences punishable under the provisions of Mines and Minerals (Development and Regulation) Act, 1957, and the Karnataka Minor Mineral Concession Rules, 1994. Section 22 of the MMDR Act only contemplates a private complaint then only the Court can take cognizance. Learned counsel vehemently contends that the Department of Mines and Geology has issued a registered quarrying license No.2177 with effect from 01.06.2004 for quarrying building stones, which is valid for 5 years up to 31.05.2009 in the name of the petitioner's wife Mrs.Sebastiana Barretto. As on the date of alleged complaint, the quarrying licence was in force, valid and subsisting. Hence, the allegation that the petitioner carrying on the quarrying work illegally is without any legal basis.



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4. Per contra, learned HCGP for the respondents-State does not dispute the fact that FIR was registered by the police based on the complaint Annexure-A and also investigated the matter.

5. Having considered the grounds urged in the petition as well as the initiation of proceedings under Section 154 of Cr.P.C. by the police and in detail considered the judgment in the case of ***Ravi @ Ravindra and another vs. The State of Karnataka*** reported in **AIR OnLine 2019 Kar 332**, wherein this Court held that police cannot initiate the proceedings and Court also cannot take the cognizance in view of the bar under Section 22 of the MMDR Act. When such being the case as well as the licence is also produced as per Annexure-D. When such being the case, the very initiation of proceedings by the police is against law and Court also cannot take cognizance and taking of cognizance is bad in law. Hence, the petitioner has made out the ground to allow the petition and quash the proceedings against the petitioner in view of not following the procedure as well as there was a license in terms of Annexure-D which is



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effective on the date of filing of the complaint which stands in the name of wife of the petitioner.

6. In view of the discussions made above, I pass the following :

ORDER

- i. Petition is ***allowed***.
- ii. The final report in C.C.No.772/2009 pending on the file of the Additional Civil Judge and JMFC, Doddaballapur and the FIR in Crime No.66/2009 registered by Doddabelavanagala Police for the offence punishable under Section 4(1), 4(1)(a), 21 of the Mines and Minerals (Development and Regulation) Act, 1957, and Rules 3(1), 42, 44 of the Karnataka Minor Mineral Concession Rules, 1994, and Section 379 of IPC, insofar as this petitioner is concerned, are quashed.

Sd/-
(H.P.SANDESH)
JUDGE