



CNR: KAHC010527332026

NC: 2026:KHC:53112
CRL.P No. 11601 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 11601 OF 2026 (482(Cr.PC) / 528(BNSS))

BETWEEN:

SRI NOUFAL AHAMED,
S/O SRI ABDUL SHAKEER,
AGE ABOUT 36 YEARS,
B-BLOCK 307,
FLORENTINE APARTMENT,
KATLA, SURATHKAL,
DAKSHINA KANNADA – 575 014.

...PETITIONER

(BY SRI. THIMMAIAH M D, ADVOCATE)

AND:

THE STATE OF KARNATAKA
REP BY ALUR POLICE STATION,
HASSAN DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. DEEPTHI ALVA, HCGP)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN CC.NO.151/2023 ARISING OUT OF CR.NO.80/2021 REGISTERED BY ALUR P.S., CHARGE SHEETED FOR THE OFFENCES P/U/S 188 AND 269 OF IPC, 1860, U/S 32 AND 34 OF KARNATAKA EXCISE ACT, U/S 27(B) AND 20(B) OF NDPS ACT, 1985, U/S 51(b) OF DISASTER MANAGEMENT ACT, PENDING BEFORE THE CIVIL JUDGE AND JMFC, ALUR, PRODUCED AS ANNEXURE B AND C.

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



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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 Alur Police Station, pending on the file of the 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 petitioner and learned HCGP for respondent and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner was arraigned as accused No.67 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.



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4. In this context, learned counsel for the petitioner invited my attention to an order passed by the Co-ordinate Bench of this in order to point out that in ***Crl.P.No.3851/2024 dated 21.11.2024 (Kevin Cheiryar Vs. State of Karnataka)*** proceedings as against accused No.71 was quashed and in view of quashment of criminal proceedings *qua* accused No.71, the present petitioner who is accused No.67 in C.C.No.151/2023 would be entitled to seek parity.

5. A Co-ordinate Bench of this Court in the case of ***Mr.Kevin Chiriyar Vs. State of Karnataka – Crl.P.No.3851/2024 dated 21.11.2024***, quashed the criminal proceedings *qua* accused No.71 in C.C.No.151/2023 and held as under:

“This petition is filed by Accused No.71 under Section 482 of Cr.P.C., for quashing the criminal proceedings in C.C.No.151/2023 pending on the file of Civil Judge and JMFC, Alur, arising out of Crime No.80/2021 registered by Alur Police Station and charge sheeted for the offences punishable under Sections 188 and 269 of Indian Penal Code, Sections 32 and 34 of Karnataka Excise Act, 1965 and Section 51(B) of the Disaster Management Act, 2005.



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2. *Heard the learned counsel for the petitioner and learned High Court Government Pleader for the respondent-State.*

3. *The case of the prosecution is that on the complaint of the Police officer of Alur Police Station, the case was registered on 11.04.2021. It is alleged in the complaint that when the complainant was on patrolling duty, he found the accused persons conducting drinks party in the Motorcycle Resort and more than 150 people were gathered and drinking alcohol. The same was seized by the investigation officer under Panchanama. Later, conducted investigation and charge sheet was filed, which is under challenge.*

4. *Learned counsel for the petitioner has contended that the petitioner is only a visitor of the party. He is not an organizer of the party. Except Section 188 of IPC, other offences are not attracted against him. There is a flaw in filing the complaint and taking cognizance as per Section 195 of Cr.P.C. Even otherwise, for registering the case under Excise Act and for raiding the premises, there is no warrant obtained by the Police from the Magistrate and they also filed charge sheet under the Disaster Management Act where there is a bar for filing the charge sheet. Hence, petitioner prays for allowing the petition.*

5. *Per contra, learned High Court Government Pleader objected the petition contending that the petitioner had consumed drugs which was found positive in the blood sample verification. Hence, learned High Court Government Pleader prayed for dismissal of the case.*



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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*



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

6. In the instant case, it is an undisputed fact that proceedings as against accused No.71 has been quashed by this Court in Crl.P.No.3851/2024 and consequently, by applying the Doctrine of Parity, proceedings against the petitioner - accused No.67 in this petition also deserves to be quashed.

7. 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 Alur Police Station, pending on the file of the Civil Judge and JMFC, Alur, for the offences punishable under Sections 188, 269 of IPC, Sections 27(b), 20B of the Narcotic Drugs and Psychotropic Substances Act and Section



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51(b) of the Disaster Management Act, insofar as the petitioner-accused No.67 is concerned, are hereby quashed.

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

BVV
List No.: 1 SI No.: 18