



CNR: KAHC010556412019

NC: 2026:KHC:51057
CRL.P No. 313 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 313 OF 2020 (482(Cr.PC) /
528(BNSS))

BETWEEN:

AMMAYYAMMA
W/O LATE K M KRISHNA REDDY
AGED ABOUT 70 YEARS
R/AT NO.70,
KACHANAYAKANAHALLI VILLAGE
HONNAGARA, JIGANI HOBLI
ANEKAL TALUK
BANGALORE URBAN DISTRICT.

...PETITIONER

(BY SRI. MALLA REDDY B V.,ADVOCATE)

AND:

STATE BY EXCISE POLICE
EXCISE, ANEKAL POLICE STATION
BANGALORE SOUTH
ANEKAL SUB DIVISION
ANEKAL PIN-562160
REPTD. BY SPP.

...RESPONDENT

(BY SRI. SUHAS GOWDA M., HCGP)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO
QUASH THE CHARGE SHEET IN CR.NO.38/2018 IN

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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C.C.NO.1683/2019 ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND J.M.F.C., ANEKAL AGAINST THE PETITIONER AND ALSO QUASH THE ORDER DATED 26.09.2019 IN C.C.NO.1683/2019, PASSED BY THE I ADDITIONAL CIVIL JUDGE AND J.M.F.C., ANEKAL IN TAKING COGNIZANCE FOR THE OFFENCES P/U/S 14,15,32,38A,43 OF EXCISE ACT, BY ALLOWING THIS PETITION.

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 counsel appearing for the petitioner and learned HCGP appearing for the respondent-State.

2. Learned counsel appearing for the petitioner while seeking for quashing of the charge sheet in Crime No.38/2018 in CC No.1683/2019 on the file of I Addl. Civil Judge & JMFC, Anekal, against the petitioner would contend that she is the owner of the premises wherein the accused Nos.1 and 2 were running the restaurant. But she had no knowledge about selling of illegal liquor and invoking of the offence punishable under Sections 14, 15, 32, 38(A) and 43 of the Karnataka Excise Act,



1965 (for short Act, 1965). Learned counsel relied upon the Lease Agreement dated 15.09.2016 executed by the husband of the petitioner in favour of one Sri. Venkatesh to run the restaurant known and called as "R.K. Green Family Restaurant" and not to sell illegal liquor.

3. He further contended that Coordinate Bench of this Court in a similar set of facts and circumstances quashed the proceedings in Criminal Petition No.200661/2019. Referring to paragraphs 3 and 4 of the said judgment, he brought to the notice of this Court about the similar factual aspects of the matter and also having extracted Section 38A of the Act, 1965 to come to the conclusion that it requires there must be some material to show that alleged owner of the premises had allowed the resident therein knowing fully that resident is carrying on some activity against the Act. But if the petitioner has no knowledge about the same, the question of initiating the proceedings against the petitioner doesn't arise. The Coordinate Bench of this Court also made an observation in paragraph 7 of the judgment that the Investigating Officer has not collected



any material to show that the petitioner had any knowledge of the alleged activity of the accused No.1.

4. Learned HCGP appearing for the respondent-State would submit that whether the petitioner had the knowledge or not is a question of trial, not at the stage of consideration of charge sheet material.

5. Having heard the learned counsel appearing for the petitioner and learned HCGP appearing for the respondent-State and considering the accusation created the charge sheet against the petitioner herein and the only allegation that the petitioner who is arraigned as accused No.3, is the owner of the alleged premises, the counsel appearing for the petitioner brought to the notice of this Court that premises was let out to the accused No.1 in the year 2016 and subsequently her husband passed away and accused No.1 was running the Family Restaurant and petitioner had any knowledge about the same. Only based on the Panchayat Development Officer report, the petitioner has been arraigned as accused No.3.



6. Having considered the similar set of facts, particularly, the offence punishable under Section 38A of the Act, 1965 and when the Investigation Officer has not collected any material with regard to the fact that the petitioner had knowledge about the illegal activity of the accused No.1 in violation of Sections 14, 15, 32 and 38A of the Act, 1965, the question of petitioner facing the criminal order doesn't arise when there is any proof of material against the petitioner that she having the knowledge about the illegal activity and allowed the accused No.1 to continue the said act along with accused No.2.

7. Under the circumstances, I am of the opinion that if proceedings is continued against the petitioner amounts to an abuse of process of law which leads to a miscarriage of justice. Hence, it is a fit case to quash the proceedings against the petitioner.

8. Accordingly, I pass the following;

ORDER

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



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(ii) The proceedings in C.C.No.1683/2019 pending on the file of the I Additional Civil Judge & JMFC, Anekal, for the offence punishable under Sections, 14, 15, 32, 38A, 43 of the Karnataka Excise Act, 1965, is quashed, confining to the petitioner only.

Sd/-
(H.P.SANDESH)
JUDGE