HC-KAR

NC: 2026:KHC:61997
WP No. 7314 of 2023

CNR: KAHC010172942023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B.PRAMOD

WRIT PETITION NO. 7314 OF 2023 (GM-RES)

BETWEEN:

SRI. GULAM MUSTAFA
S/O. LATE GULAM RASOOL,
AGED ABOUT 52 YEARS,
NO. 6, GM PEARL,
1ST STAGE, 1ST PHASE,
BTM LAYOUT,
BANGALORE-560 068.

...PETITIONER

(BY MISS. HEENA S.A.,ADVOCATE FOR;
SRI. CHANDRA L.,ADVOCATE)

AND:

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

1. THE DIRECTORATE
OF CIVIL RIGHTS ENFORCEMENT
BANGALORE HEAD QUARTER,
F BLOCK, 2ND FLOOR,
CAUVERY BHAVAN,
K.G. ROAD,
BANGALORE-560 009.
REPRESENTED BY ITS
AUTHORIZED OFFICER,
DEPUTY SUPERINTENDENT OF POLICE

2. THE SUPERINTENDE OF POLICE
DIRECTORATE OF CIVIL RIGHTS
ENFORCEMENT (DCRE),
1ST FLOOR,
TECHNICAL EDUCATION BHAVANA,

PALACE ROAD,
BANGALORE-560 001.

…RESPONDENTS

(BY SRI. C. JAGADISH, ADVOCATE FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED MEMO/NOTICE DTD 01.12.2022 BEARING NO. APARADA/31/SP/BC/DCRE/2017 ISSUED BY THE R-2 SUPERINTENDED OF POLICE (DCRE), VIDE ANNX-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B.PRAMOD

ORAL ORDER

The petitioner, in the present writ petition has called in question the impugned memo/notice dated 01.12.2022 bearing No.APARADA/31/SP/BC/DCRE/2017, issued by respondent No.2 Annexure-A.

2. The learned counsel for the petitioner submits that the Apex Court, in the decision reported in (2023) 18 SCC

265, has quashed the FIR. Para 40 of the said decision reads as under:

> *"40- For the reasons aforesaid, the Court finds that the High court fell in error in not invoking its wholesome power under Section 482 of the Code to quash the FIR. Accordingly, the impugned judgment, being untenable in law, is set aside. Consequent thereupon, the FIR, as also any proceedings emanating therefrom, insofar as they relate to the appellant, are quashed and set aside".*

3. Learned counsel for the petitioner draws the attention of this Court to Annexure-D, which discloses that the proceedings relate to Crime No.317/2017. It is submitted that respondent No.2 has issued the impugned notice at Annexure-A in connection with the very same crime. Learned counsel contends that, in view of the quashing of the FIR in Crime No.317/2017 by the Apex Court, the impugned notice cannot be sustained in law.

4. Learned counsel appearing for the respondents do not dispute the fact that the FIR registered in Crime No.317/2017, pursuant to which the impugned notice came to be issued, has already been quashed by the Apex Court.

5. In view of the aforesaid undisputed facts, it is evident that the very basis for issuance of the impugned notice at Annexure-A no longer survives, as the FIR in Crime No.317/2017 has already been quashed by the Apex Court. Consequently, the impugned notice, being consequential to the proceedings arising out of the said crime, cannot be sustained in law and is liable to be quashed.

6. Accordingly, the writ petition is allowed. The impugned notice at Annexure-A issued by respondent No.2 in connection with Crime No.317/2017 is hereby quashed.

No order as to costs.

Sd/-
(B.PRAMOD)
JUDGE

MKM
List No.: 1 Sl No.: 14