HC-KAR

NC: 2026:KHC:62696
WP No. 24502 of 2023

CNR: KAHC010567982023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.24502 OF 2023 (GM-RES)

BETWEEN:

KUMARI ANICIA MELINA CASTELINO
AGED ABOUT 23 YEARS
D/O ALPHONSO CASTELINO
R/AT SHALOM HEGDE COMPOUND
KARANGALPADY,
UDUPI DISTRICT - 574118
PRESENTLY RESIDING AT
BLOCK 4, STREET 3,
BUILDING NO.31,
ABBASIYA JLEEB AI SHUYUKH
KUWAIT – 85600

...PETITIONER

(BY SRI P.P.HEGDE, SENIOR ADVOCATE A/W
SRI YATHIN.B FOR SMT.MONISHA.N.S, ADVOCATES)

AND:

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
THROUGH INSPECTOR OF POLICE
SURATHKAL POLICE STATION
MANGALORE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU -560 001

2. INSPECTOR OF POLICE
SURATHKAL POLICE STATION
SURATHKAL
MANGALORE TALUK

D.K. DISTRICT -575014

…RESPONDENTS

(BY SMT.K.P.YASHODHA, ADDITIONAL GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE CRIMINAL PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.1830/2021 (ARISING FROM CRIME NO.95/2019 OF SURATHKAL POLICE STATION) ON THE FILE OF HON'BLE JMFC II COURT, MANGALORE REGISTERED FOR THE OFFENCES PUNISHABLE U/S 20(b)(ii)(A), 27(b) OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 AND SECTION 130(1) OF THE MOTOR VEHICLE ACT 1988 VIDE ANNEXURE-D AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri P.P.Hegde, learned Senior Advocate for the petitioner and Smt. K.P.Yashodha, learned Additional Government Advocate.

2. Petition under Article 226 of the Constitution of India r/w Section 482 of the Code of Criminal Procedure with the following prayer:

> *"Issue a writ of certiorari quashing the criminal proceedings against the petitioner in C.C.No.1830/2021 (arising from Crime No.95/2019 of Surathkal Police Station) on the file of Hon'ble JMFC II Court, Mangalore, registered for the offences punishable under Sections 20(b)(ii)(A), 27(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 130(1) of the Motor Vehicle Act, 1988, vide Annexure-D".*

3. Facts of the case which are utmost necessary for disposa of the present petition are as under:

A case came to be registered based on the complaint of Police Inspector by name Sri Ramakrishna K.G of Suratkal Police Station that he intercepted a car and found that a lady who was inmate of the car in the hind seat was having a cigarette which contained the contraband material. Further, there was a packet in the car which consisted of 500 grams of ganja possessed by accused Nos.1 to 3.

4. Based on the report, a case came to be registered in Crime No.95/2019 for the offence punishable under Sections 20(b)(ii)(A), 27(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS' Act for short).

5. The very registration of the case and filing of the charge sheet insofar as the present petitioner is concerned is called in question on the ground that even as per the report, the present petitioner is not involved in transport of ganja and allegation found against the present petitioner is that she was having a cigarette which contained contraband material.

6. It is also found from the report filed by the said Ramakrishna that the lady who was sitting in the hind seat of the car (petitioner) was not behaving properly which resulted in raising suspicion that she must have consumed contraband material.

7. Thereafter, medical examination is conducted in a private hospital and urine report is obtained whereby the case came to be filed. Such an action is against the law and established procedure is the argument put forth on behalf of the petitioner.

8. *Per contra*, Smt.Yashodha, learned Additional Government Advocate, would contend that *prima facie* the fact that the petitioner was inmate of the car would be sufficient

enough to invoke necessary offence against the present petitioner also. The charge sheet came to be filed insofar as petitioner is concerned under Section 27(b) of the NDPS Act and therefore sought for dismissal of the petition expert.

9. Having heard the arguments of both sides this Court noted that the report is not from the authorized laboratory. Therefore, no value could be attached to the report obtained from a private hospital.

10. Accordingly, it is pertinent to note that the report is the only basis on which the charge sheet came to be filed against the petitioner herein under Section 27(b) of the NDPS Act.

11. Taking note of these aspects of the matter, continuation of the criminal proceedings *qua* petitioner is nothing but abuse of process of law.

12. Hence, a case is made out to quash the pending proceedings.

13. Hence, the following:

ORDER

i. Petition ***allowed***.

ii. Pending proceedings in C.C.No.1830/2021 pending on the file of the JMFC II Court, Mangaluru, arising out of Crime No.95/2019 of Suratkal Police Station, *qua* the petitioner stand *quashed*.

iii. Quashing of the proceedings *qua* the petitioner shall not affect the rights of the prosecution insofar as the remaining accused are concerned.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 61
CT:VRR