

IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 8<sup>TH</sup> DAY OF OCTOBER 2015

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP D.WAINGANKAR

WRIT PETITION NO.100591/2015 (GM-POLICE)

BETWEEN

MARUTI S/O PUNDALIK SHEGEHALLI  
AGE: 52 YEARS, OCC: BUSINESS  
R/O. PLOT NO.419, KANABARGI  
BUSTAND, GOKAK ROAD, KANABARGI  
TQ & DIST: BELAGAVI

... PETITIONER

(BY SRI.SHIVARAJ P.MUDHOL, ADVOCATE)

AND

1. STATE OF KARNATAKA  
REP.BY ITS SECRETARY  
HOME DEPARTMENT  
M.S.BUILDING, BANGALURU
2. THE STATE OF KARNATAKA  
RPTD.BY ITS SECRETARY  
DEPARTMENT OF EXCISE  
M.S.BUILDING, BANGALURU
3. THE DEPUTY COMMISSIONER OF EXCISE  
BELGAUM, DIST: BELAGAVI
4. THE ASSISTANT POLICE COMMISSIONER  
MARKET-SUB DIVISION  
BELAGAVI, DIST: BELAGAVI

5. THE POLICE SUB-INSPECTOR  
(LAW AND ORDER)  
MALMARUTI POLICE STATION  
BELAGAVI, TQ: BELAGAVI  
DIST: BELAGAVI

6. B R GADDEKAR  
POLICE SUB-INSPECTOR  
(LAW AND ORDER)  
MALMARUTI POLICE STATION  
MALMARUTI, BELAGAVI  
DIST: BELAGAVI

... RESPONDENTS

(BY SMT.VEENA HEGDE, HCGP FOR R1 TO R5.  
SRI.MRUTYUNJAY TATA BANGI, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF CONSTITUTION OF INDIA PRAYING TO:

- 1) QUASH THE FIR AND COMPLAINT REGISTERED IN  
MALMARUTHI POLICE CRIME NO.0279/2014 DATED  
05.11.2014 AGAINST THE PETITIONER FOR AN OFFENCE  
PUNISHABLE UNDER SECTION 32, 34 OF THE EXCISE ACT  
VIDE ANNEXURE-A AND B RESPECTIVELY.
- 2) DIRECT THE 1ST RESPONDENT TO CONDUCT DETAIL  
ENQUIRY AGAINST THE ILLEGAL ACT OF THE 4TH  
RESPONDENT AND PUNISH HIM IN ACCORDANCE WITH  
LAW.

THIS WRIT PETITION COMING ON FOR HEARING THIS  
DAY, THE COURT MADE THE FOLLOWING:

### O R D E R

The learned counsel for the respondent No.6 has filed  
a memo for disposal of the writ petition on the ground that  
after filing of this writ petition, the authorities have filed

charge-sheet. To quash the said charge sheet, the petitioner has filed Writ Petition No.109694/2015, which is pending for consideration this day.

2. In view of the filing of the Writ Petition No.109694/2015, this writ petition does not survive for consideration. Hence, I pass the following:

ORDER

Writ Petition No.100591/2015 is hereby dismissed.

Sd/-  
JUDGE

Vnp\*