



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 593 OF 2024

BETWEEN:

ZAINUL ABDEEN
S/O ABDUL GAFFER
AGED ABOUT 37 YEARS,
R/AT NO.1802/2,
NIZAM MOHALLA
HUNSUR, MYSORE-571 105

...PETITIONER

(BY SRI. LETHIF B, ADVOCATE)

AND:

STATE OF KARNATAKA
BY HUNSUR TOWN POLICE STATION,
REP BY SPP, HIGH COURT BUILDING
BANGALORE-560 001

...RESPONDENT

(BY SRI. MAHESHA P, HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.364/2023 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC BANTWAL D.K., FOR THE OFFENCE P/U/S.429 OF IPC AND SEC.4,5,7,8,12,9 OF KARNATAKA PREVENTION OF COW SLAUGHTER AND CATTLE PRESERVATION ACT AND SEC.4,5,7,8 OF PREVENTION OF CRUELTY TO ANIMALS PCA ACT 11(4) OF HUNSUR TOWN POLICE STATION, WHICH IS PRODUCED AT ANNEXURE A.

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioner/accused in C.C No.364/2023 (arising out of Crime No.56/2023 registered by Hunsur Police Station), pending on the file Principal Senior Civil Judge And JMFC, Bantwal, D.K., for the offence punishable under section 429 of IPC and sections 4, 5, 7, 8, 12 and 9 of Karnataka Prevention of Slaughter And Preservation of Cattle Act, 2020.

2. The brief facts of the case are that, a *suo motu* complaint was lodged by the Police Inspector of respondent police on 26.02.2023 alleging that, on 26.02.2023 at about 9.30 a.m., when the complainant, along with police constables Srinivas Prasad and Irfan, was on patrolling duty in a police jeep bearing registration No.KA-55-G-68 at Shabbeer Nagar, on receipt of credible information regarding illegal sale of beef without any licence or permission, they conducted series of



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

raids on different shops and a godown situated in Shabbeer Nagar.

3. Initially, a raid was conducted on the shop allegedly being run by Mohammed Aneef Qureshi, between 9.45 a.m. and 10.30 a.m., and meat and other articles were seized. Thereafter, raids were conducted on the adjoining shops allegedly being run by Amanulla, Taushid Qureshi and Yunus, between 10.45 a.m. and 2.10 p.m., respectively, and meat and other articles were seized for the purpose of further investigation.

4. Thereafter, the police raided a godown belonging to Faizulla between 2.10 p.m. and 3.10 p.m. and seized beef and other articles. Subsequently, another shop allegedly belonging to Mohammed Yunus and Amar Qureshi was raided between 3.30 p.m. and 4.45 p.m. and the beef and other articles found therein were seized in the presence of panch witnesses, veterinary officers and municipality workers.

5. It is further alleged that, on the same day, pursuant to information regarding illegal slaughtering of cattle and



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

transportation of beef, the police proceeded to a godown allegedly belonging to Jainul Abddin @ Maviya i.e. petitioner, situated at Shabbeer Nagar 'B' Line. The said godown was raided between 5.00 p.m. and 6.00 p.m. in the presence of panch witnesses, veterinary officers and municipality workers. It is alleged that the godown was a large premises where cattle were being slaughtered and the meat was being cut into pieces and transported to different places. Signs of slaughtering were allegedly noticed at the spot and one cattle carcass with two horns was found therein. The same was seized for the purpose of further investigation.

6. Further alleged that, the owner of the said godown, Jainul Abddin @ Maviya - petitioner, had, without obtaining permission from the competent authority, illegally slaughtered cattle for the purpose of obtaining meat and transported the same to different places. Accordingly, the mahazar was prepared at the spot. Subsequently, Police Inspector of respondent police lodged *suo moto* complaint before the respondent police and FIR was registered against the petitioner in Crime No. 56/2023 for the offences punishable under Section



CNR: KAHC010035092024

**NC: 2026:KHC:54280
CRL.P No. 593 of 2024**

429 of IPC, Sections 4, 5, 7, 8, 12 and 9 of Karnataka Prevention of Slaughter And Preservation of Cattle Act, 2020 and Sections 4, 5, 7, 8 of the Prevention of Cruelty to Animals Act, 1960. During the course of investigation, the respondent police also conducted mahazars on 26.02.2023 in the presence of the witnesses and concluded the investigation and laid charge sheet against the petitioner for the aforementioned offences. Based on the said charge sheet, the Trial Court took cognizance of the offences under section 429 of IPC and sections 4, 5, 7, 8, 12 and 9 of Karnataka Prevention of Slaughter And Preservation of Cattle Act, 2020 against the petitioner. Aggrieved by the same, the petitioner preferred this petition to quash the proceedings.

7. Heard the learned counsel for the petitioner and learned HCGP for respondent-state.

8. Apart from urging several other contentions, learned counsel for the petitioner primarily contended that the FIR registered against the petitioner for the offences punishable under the provisions of the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 cannot be sustained, as



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

the respondent-Police, before conducting the search and seizure, had not obtained the necessary authorization from the competent authority. According to learned counsel, the State Government is required to notify an authorized person to conduct search and seizure, who must possess the requisite expertise to identify the meat and effect the seizure. In the absence of such authorization, the police could not have conducted the search and seizure.

9. It is further contended that, upon receiving information regarding commission of a cognizable offence, the respondent-Police ought to have registered an FIR or, at the least, made an entry in the General Diary regarding receipt of such information. However, in the present case, without following the said procedure, the police directly proceeded to the spot and conducted the search and seizure. According to learned counsel, such an action is contrary to law laid down by the Hon'ble Apex Court in the case of ***LALITHA KUMARI Vs. STATE OF UTTAR PRADESH - 2014 (2) SCC 1.***



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

10. It is further contended that, without recording the statement of Abdul Gafoor, the police have implicated the petitioner as an accused, though there is no material connecting him with the alleged offence. He submitted that the documents produced by the prosecution reveal that the property in question stands in the name of Abdul Gafoor, who is the father of petitioner and that the petitioner was engaged in timber business and had nothing to do with the alleged offence. Therefore, except the alleged confessional statement, there is no *prima facie* material placed by the prosecution to connect the petitioner with the alleged crime. Accordingly, learned counsel for the petitioner sought to allow the petition and quash the proceedings against the petitioner.

11. *Per contra*, learned HCGP for respondent-state opposed the prayer and submitted that the investigation has been completed and the charge-sheet has been laid against the petitioner by the respondent-Police. He contended that the statements of material witnesses clearly disclose that the petitioner was involved in illegally slaughtering cattle and



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

selling the meat to different stalls situated at 'A' and 'B' Lines, Shabbir Nagar.

12. It is further contended that the Division Bench of this Court, in **MR. ISMAIL V. STATE BY HAL POLICE STATION** in **Crl.Pet.No.506/2019** vide **Order Dated 15.07.2026**, has held that an investigation conducted without first registering an FIR would not, by itself, attract the ratio laid down by the Hon'ble Apex Court in **Lalita Kumari** supra. The Division Bench has clarified that, unless the petitioner demonstrates that prejudice has been caused to him on account of the preliminary enquiry conducted prior to registration of the FIR, the fact that further investigation was undertaken after registration of the FIR cannot, by itself, constitute a ground to quash the entire criminal proceedings. Therefore, subsequent registration of the FIR would not vitiate the proceedings.

13. It is also submitted that the raid, search and seizure were conducted by the complainant in the presence of the Veterinary Doctor, municipality workers and panch witnesses. The mahazars drawn at the spot clearly disclose



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

seizure of cow meat, which was identified by the Veterinary Doctor. In such circumstances, merely on account of the alleged procedural lapse in registration of the FIR, it cannot be said that there is no *prima facie* material against the petitioner. Accordingly, learned HCGP sought for dismissal of the petition.

14. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and also perused the entire materials available on record.

15. As could be gathered from records, it is not in dispute that the offences alleged against the petitioner, including the offence punishable under Section 429 of IPC and the offences under the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020, the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 and the Prevention of Cruelty to Animals Act, 1960, are cognizable in nature.

16. Further, it is an admitted fact that the complaint was lodged by the Police Inspector and the FIR came to be registered only after conducting the raid and seizure.



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

Admittedly, no FIR or entry in the Station House Diary was registered prior to conducting the raid and seizure. In this regard, learned HCGP has placed before this Court the Station House Diary maintained by the respondent-Police Station. The said Station House Diary discloses that, though the police received information at about 9.30 a.m. on 26.02.2023 regarding the alleged illegal sale of cow meat, the said information was entered in the Station House Diary only at about 12.00 noon, i.e., after the raid and seizure had already been conducted.

17. In ***Lalita Kumari*** supra, the Hon'ble Apex Court has held that, upon receipt of information disclosing commission of a cognizable offence, registration of FIR under Section 154 of Cr.P.C. is mandatory, subject to the limited exceptions recognized therein. The requirement of recording the information received by the police in the prescribed manner cannot be bypassed by proceeding to conduct an investigation or raid before registration of FIR. The Co-ordinate Benches of this Court, in several decisions, have followed the aforesaid principle laid down by the Hon'ble Apex Court.



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

18. However, learned HCGP contended that the Division Bench of this Court, in ***Criminal Petition No.506/2019*** supra, arising out of a reference, has considered the question as to the effect of an investigation conducted without registration of an FIR. It was contended that the principle laid down in ***Lalita Kumari*** supra has subsequently been considered and explained by the Hon'ble Apex Court in ***STATE OF JAMMU AND KASHMIR AND OTHERS V. DR. SALEEM UR RAHMAN - (2022) 13 SCC 675***.

19. The contention of the learned HCGP is that, unless the accused demonstrates that prejudice has been caused to him on account of the preliminary inquiry conducted prior to registration of the FIR, such procedural lapse cannot, by itself, constitute a ground to quash the entire criminal proceedings. In support of the said contention, reliance is placed on the judgment of the Division Bench of this Court in ***Criminal Petition No.506/2019*** supra rendered in the reference case, wherein, by placing reliance on paragraphs 29 to 31 of the judgment of the Hon'ble Apex Court in ***Dr. Saleem Ur***



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

Rahman supra, it has been held that investigation conducted without registration of FIR at the first instance would not, by itself, vitiate the proceedings.

20. I have carefully perused the judgment of the Division Bench of this Court in **Criminal Petition No.506/2019** supra as well as the judgment of the Hon'ble Apex Court in **Dr. Saleem Ur Rahman** supra. At the outset, it is necessary to notice that **Dr. Saleem Ur Rahman** supra arose in the context of an offence under the provisions of the Prevention of Corruption Act. In the said case, the Hon'ble Apex Court considered the question as to whether conducting a preliminary inquiry before registration of FIR would, by itself, amount to violation of the principles laid down in **Lalita Kumari** supra. It was held that, in cases under the Prevention of Corruption Act, a preliminary inquiry to ascertain whether a prima facie case is made out would not, by itself, be contrary to the principles laid down in **Lalita Kumari** supra. The Hon'ble Apex Court also noticed the necessity of such preliminary inquiry in appropriate cases, particularly having regard to the nature of the allegations and the requirement of protecting the



CNR: KAHC010035092024

**NC: 2026:KHC:54280
CRL.P No. 593 of 2024**

reputation and dignity of individuals from unwarranted proceedings.

21. However, the facts of the present case stand on an entirely different footing. In the present case, the police admittedly received information at about 9.30 a.m. on 26.02.2023 regarding the alleged commission of cognizable offences. The police, therefore, had sufficient opportunity to register the FIR before proceeding to conduct the raid. Despite the same, without registering the FIR and without even entering the information in the General Diary or Station House Diary, the police proceeded to conduct the raid and seizure. Only after conducting the raid, seizing the alleged meat and other articles and drawing the mahazars, the complaint came to be lodged and the FIR was registered.

22. In the circumstances, the action of the police cannot be characterized as a mere preliminary enquiry undertaken for the purpose of ascertaining the truth of the information received. The materials on record disclose that the police had already proceeded substantially with the investigation by conducting searches, effecting seizures and



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

recording the statements of panch witnesses before registration of the FIR. Such acts cannot be treated as a limited preliminary inquiry of the nature contemplated in ***Dr. Saleem Ur Rahman*** supra.

23. It is also relevant to notice that the petitioner has specifically contended that the premises in question belonged to his father and that he has been implicated in the alleged offence on the basis of his alleged voluntary statement. Therefore, in the facts and circumstances of the present case, it cannot be held that no prejudice has been caused to the petitioner on account of the failure to register the FIR before undertaking the raid and seizure.

24. Therefore, the principle laid down by the Division Bench of this Court in the reference case, based on the judgment of the Hon'ble Apex Court in ***Dr. Saleem Ur Rahman*** supra, is distinguishable on the facts of the present case and cannot be mechanically applied to the circumstances obtaining herein.



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

25. In view of the above discussion, I am of the considered view that the mandatory requirement under Section 154 of the Cr.P.C., as explained by the Hon'ble Apex Court in ***Lalita Kumari*** supra, has not been complied with by the respondent-Police. The failure to register the FIR before proceeding with the raid and seizure, coupled with the fact that substantial investigative steps were undertaken prior to registration of the FIR, vitiates the proceedings initiated against the petitioner-accused. Consequently, the further proceedings arising out of such FIR cannot be sustained. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused in C.C.No.364/2023 (arising out of Crime No.56/2023 registered by Hunsur Police Station), for the offence punishable under Section 429 of IPC and Sections 4, 5, 7, 8, 12 and 9 of Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020, pending on the file Principal Senior



CNR: KAHC010035092024

NC: 2026:KHC:54280
CRL.P No. 593 of 2024

Civil Judge And JMFC, Bantwal, D.K., are
hereby quashed.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS/K
List No.: 1 Sl No.: 20