



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF MARCH, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY**

**CRIMINAL PETITION NO. 1858 OF 2024**

**BETWEEN:**

SRINIVAS S N,

...PETITIONER

(BY SRI SANMUKH REDDY, ADVOCATE [PH])

**AND:**

1. STATE OF KARNATAKA,  
BY KEMPEGOWDA INTERNATIONAL  
AIRPORT POLICE STATION (BIAL PS),  
REP. BY THE STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA,  
BENGALURU - 560 001.
2. AJAY SIWACH,

...RESPONDENTS

(BY SMT K.P YASHODHA, HCGP FOR R1 [PH];  
NOTICE NOT ORDERED IN R/O R2)

THIS CRL.P IS FILED U/S.482 CR.P.C TO QUASH THE PROCEEDINGS IN C.C.NO.2690/2023 ORIGINATED FROM CR.NO.82/2022 OF RESPONDENT KEMPEGOWDA INTERNATIONAL AIRPORT POLICE STATION (BIAL P.S.) FOR THE OFFENCE P/U/S 30 OF ARMS ACT WHICH IS PENDING BEFORE THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., DEVANAHALLI.





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

**ORDER**

The petitioner who is arrayed as accused in Cr.No.82/2022 registered by BIAL Police Station, Devanahalli for the offence punishable under Section 30 of ARMS Act, 1959 is before this Court with a prayer to quash the entire proceedings in the said case.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner submits that the maximum punishment for the offence punishable under Section 30 of the ARMS Act is imprisonment for a period of six months. Therefore, the said offence is a non-cognizable offence. The Police have registered a case without complying the requirements of Section 155(2) of Cr.P.C. This Court in CrI.No.4567/2018 disposed off on 10.01.2023 has quashed the proceedings on similar ground. Accordingly, prays to allow the petition.

4. *Per contra*, learned High Court Government Pleader has opposed the petition. She submits that in view of Section



38 of the ARMS Act, all offences under the ARMS Act are considered as cognizable offence within the meaning of Criminal Procedure Code.

5. Section 38 of the ARMS Act, 1959 reads as follows:

**"38. Offences to be cognizable.**—Every offence under this Act shall be cognizable within the meaning of the Code of Criminal Procedure, 1973."

5. This Court in Crl.P.No.4567/2018 has quashed the proceedings on the premise that the offence under Sections 30 and 35 of the ARMS Act are non-cognizable offences. Section 38 of the ARMS Act was not brought to the notice of this Court and therefore, the order passed by the Co-ordinate Bench of this Court in Crl.P.No.4567/2018, wherein, this Court has held that the offence under Sections 30 and 35 of the Act are non-cognizable offences is per incuriam. Under the circumstance, the contentions raised by the petitioner is liable to be rejected. Accordingly, the petition is dismissed.

**Sd/-  
JUDGE**