



CNR: KAHC010246092019

NC: 2026:KHC:58184
CRL.P No. 5994 of 2019
C/W CRL.P No. 272 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.5994 OF 2019

C/W

CRIMINAL PETITION NO.272 OF 2020

IN CRL.P NO.5994/2019:

BETWEEN:

1. MR. MAXIM K. KURIAN,
AGED ABOUT 44 YEARS,
S/O K.P. KURIAN,
RESIDING AT AALEEV LEEF
AYURVEDA TREATMENT AND YOGA CENTRE,
BEJAI CHURCH CROSS ROAD,
BEJAI, MANGALURU-575004.

PRESENTLY:
RESIDING AT XAVIER RESIDENCY,
WESTEND FLAT NO.203,
BONDEL, BONDEL POST,
MANGALURU,
DK DISTRICT-575008.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONER

(BY SRI. P.P.HEGDE, SENIOR COUNSEL FOR
SRI. VENKATESH SOMAREDDI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH THE SUB INSPECTOR OF POLICE,
BARKE POLICE STATION,
BARKE, MANGALURU,



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DAKSHINA KANNADA DISTRICT,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-575001.

(NOTE: SINCE THE POLICE INSPECTOR OF BARKE
POLICE STATION IS THE COMPLAINANT HE IS NOT
ARRAYED AS RESPONDENT)

...RESPONDENT

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS IN
C.C.NO.3260/2017, PENDING ON THE FILE OF THE JUDICIAL
MAGISTRATE FIRST CLASS (VI COURT), MANGALURU (ARISING
OUT OF CR.NO.8/2017 OF BARKE P.S, BARKE, MANGALURU)
REGISTERED FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 3(1), 4, 5 AND 8 OF IMMORAL TRAFFIC
(PREVENTION) ACT, IN SO FAR AS PETITIONER/ACCUSED NO.5
IS CONCERNED.

IN CRL.P NO.272/2020:

BETWEEN:

1. MAXIM,
AGED ABOUT 44 YEARS,
SON OF K.P. KURIAN,
RESIDING AT XAVIER RESIDENCY,
WESTEND FLAT NO.203,
BONDEL, BONDEL POST,
MANGALURU,
D.K. DISTRICT-575008.

...PETITIONER

(BY SRI. P.P.HEGDE, SENIOR COUNSEL FOR
SRI. VENKATESH SOMAREDDI, ADVOCATE)



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AND:

1. THE STATE OF KARNATAKA,
THROUGH THE SUB-INSPECTOR OF POLICE,
MANGALURU WOMENS POLICE STATION,
MANGALURU, DAKSHINA KANNADA DISTRICT.
2. THE INSPECTOR OF POLICE,
MANGALURU EAST POLICE STATION,
MANGALURU, D.K.DISTRICT.

BOTH ARE REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-575 001.

...RESPONDENTS

(BY SRI.MOHAMMED AYUB ALI, ADDL. SPP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
C.C.NO.2311/2019 PENDING ON THE FILE OF THE JUDICIAL
MAGISTRATE FIRST CLASS (VI COURT) MANGALURU (ARISING
OUT OF CR.NO.73/2017 OF MANGALURU EAST P.S.)
MANGALURU, REGISTERED FOR THE OFFENCES PUNISHABLE
UNDER SECTIONS 4 AND 5 OF IMMORAL TRAFFIC
(PREVENTION) ACT AND ALL FURTHER PROCEEDINGS IN THE
SAID CASE IN SO FAR AS PETITIONER/ACCUSED NO.1 IS
CONCERNED.

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



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CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioner and the learned Additional SPP appearing for the respondents/State.

2. Crl.P.No.5994/2019 is filed praying this Court to quash the proceedings in C.C.No.3260/2017, pending on the file of the Judicial Magistrate First Class (VI Court), Mangaluru, arising out of Crime No.8/2017 of Barke Police Station, for the offence punishable under Sections 3(1), 4, 5 and 8 of Immoral Traffic (Prevention) Act, 1956 ('ITP Act' for short) insofar as accused No.5 is concerned.

3. Crl.P.No.272/2020 is filed praying this Court to quash the entire proceedings in C.C.No.2311/2019, pending on the file of the Judicial Magistrate First Class (VI Court), Mangaluru, arising out of Crime No.73/2017 of Mangaluru East Police Station, Mangaluru, for the offences punishable under Sections 4 and 5 of Immoral Traffic (Prevention) Act, 1956, insofar as accused No.1 is concerned.



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4. The learned counsel for the petitioner would vehemently contend that there is no compliance of Section 13 of ITP Act as there is no any such notification and the officer is not a Special Officer as defined in the section as well as no specific appointment to deal with the offences under Sections 13 and 15 of the ITP Act. The learned counsel would contend that no warrant was obtained by the Investigating Officer while conducting the raid. No doubt, Section 15 of the ITP Act is clear that without delay reasons have to be recorded and even can conduct the raid without the search warrant. But the person who conducts the raid must be a Special Officer and he must be authorized to conduct the raid under Section 13 of the ITP Act. The learned counsel in support of his arguments relies upon the judgment of this Court passed in CrI.P.No.101909/2023 dated 07.11.2025, wherein this Court discussed in detail the judgment passed in CrI.P.No.201645/2023 dated 10.04.2024, wherein the Co-ordinate Bench of this Court considered the case of Dharmanna v. State of Karnataka in CrI.P.No.200915/2023 dated 18.07.2023, Shri Rajath v.



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State of Karnataka in Crl.P.No.101975/2021 dated 16.02.2022, Mr. Praveen Kumar M.S. v. State of Karnataka in Crl.P.No.1398/2017 dated 28.03.2022, wherein also similar issue was considered and the provisions of Section 15(2) of the ITP Act are mandatory in nature and that in the absence of any notification to show that the Investigating Officer was a Special Police Officer within the definition of 2(i) of ITP Act, the investigation is not sustainable in law. This Court in paragraph No.9 also taken note of regarding non-compliance is concerned and quashed the proceedings. The learned counsel also brought to the notice of this Court Sections 13 and 15 of the ITP Act apart from the principles laid down in the judgments referred supra.

5. The learned Additional SPP appearing for respondent/State would contend that the person who conducted raid is also a Officer of the rank of Inspector of Police. But with regard to the issuance of notification and he has been specially appointed as Special Police Officer by the



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State for dealing with the offences under this Act is concerned, no such notification is relied upon.

6. Having considered the grounds which have been urged in the petition as well as considering the submission made by the learned counsel for the petitioner and the learned Additional SPP appearing for the State, no doubt, the offences invoked against this petitioner is under Sections 3(1), 4, 5 and 8 of the ITP Act in CrI.P.No.5994/2019 and Sections 4 and 5 of the ITP Act in CrI.P.No.272/2020. When specific ground is urged by the learned counsel for the petitioner that there is no any notification for having authorized to deal with the offences under the special enactment and he has been appointed as a Special Officer, the principles laid down in the judgment of the Co-ordinate Bench of this Court is aptly applicable to both the cases and both the matters involve similar question of law though of different police station. When the question of law involved are the same, both the petitions are considered together and disposed of.



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7. In view of the discussions made above, I pass the following:

ORDER

Both the petitions are allowed. The proceedings initiated against the petitioner in C.C.Nos.3260/2017 and 2311/2019 are quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

MD
List No.: 1 Sl No.: 13