



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200227 OF 2026

(482(Cr.PC)/528(BNSS))

BETWEEN:

MUDASEERR ANSARI
S/O ZAKIUDDIN ANSARI
AGE: 27 YEARS
OCC: STUDENT
R/O H NO.7-1202/58/1A
ISLAMABAD COLONY, KALABURAGI

...PETITIONER

(BY SRI. SYED MASTAN, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH UNIVERSITY POLICE STATION
KALABURAGI
(REPRESENTED BY ADDL. HCGP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH585107)

...RESPONDENT

(BY SRI.GOPALKRISHNA B. YADAV, HCGP)

THIS CRL.P IS FILED U/SEC.482 OF CR.P.C (OLD) U/SEC. 528 OF BNSS (NEW) PRAYING TO QUASH THE REGISTRATION OF FIR, CHARGE SHEET AND FURTHER PROCEEDINGS IN C.C. NO.14870/2025 PENDING ON THE FILE OF III ADDL. CIVIL JUDGE AND J.M.F.C AT KALABURAGI (ARISING OUT OF CRIME NO.215/2025 OF UNIVERSITY P.S. KALABURAGI) FOR THE OFFENCES PUNISHABLE U/SEC.28 OF ARMS ACT, 1959 AND ETC.,





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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

This petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, seeking following relief's:

*"Wherefore, it is most respectfully prayed that,
this Hon'ble Court be pleased to,*

- (a) *quash the registration of FIR, charge sheet and further proceedings in C.C.No.14870/2025 pending on the file of III Addl. Civil Judge and JMFC, at Kalaburagi (arising out of Crime No.215/2025 of University P.S. Kalaburagi) for the offences punishable under Section 28 of Arms Act, 1959, insofar as petitioner is concerned,*
- (b) *pass any other suitable order or direction as deem fit by this Hon'ble Court under the facts and circumstances of the case, in the interest of justice and equity.*

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent - State.



3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not at all committed any offence much less as alleged in the complaint. The petitioner being student aged about 27 years old enough and the police have lodged suo-moto complaint only for creating fear in the society as much as to control the crime. The police have created concocted story against the petitioner, however the petitioner is no way concerned and nothing to do with the alleged crime. As far as the averments available on record, it is narrated that the revolver found with the petitioner does not require any valid weapon licence. The incriminating article as recovered by the complainant also not in use as evidence against the petitioner. The petitioner earlier applied application to civilian rifle training center for having the valid licence for his safety of person and property, as such he intended to train as how he would have to use the weapon in the training with bona fide intention. The offence alleged against the petitioner is not



so heinous in nature and the petitioner never used air gun for any illegal activities. If petitioner had air gun with his possession, the police caught hold of him. It is that there is no direct evidence against the petitioner for his involvement in the above crime, except the police personal seized the air gun and air gun is not come under the definition of Arms Act. Hence, the Arms Act, 1959 is not applicable to the case on hand and absolutely there are no materials to proceed against the accused for the alleged commission of offences. On all these grounds, sought for allowing of this petition.

4. Per contra, learned HCGP would submit that there are no grounds to quash the proceedings and sought for dismissal of this petition.

5. I have examined the materials placed before this Court.

6. On the basis of the complaint filed by Smt. Renuka Devi, the University Police Station, Kalaburagi,



have registered the case in Crime No.215/2025 against the accused for the commission of offence under Section 28 of Arms Act, 1959. After investigation, the Investigating Officer has submitted the charge sheet against the accused for the commission of offence under Section 28 of Arms Act. The petitioner has produced the FSL report issued by the State Forensic Science Laboratory, Madiwala, Bengaluru, in which at Item No.6, it is stated that 177 caliber air rifle is not comes under the purview of Indian Arms Act, 1959, Arms Rules, 2016. Therefore, the FSL report itself reveals that the seized Airgun No.177AB3338 is not come under the provisions of Arms Act, 1959. However, the Investigating Officer has submitted the charge sheet against the accused. None of the public have been examined by the Investigating Officer to substantiate the case of the prosecution that the accused has used this gun to threaten the public.

7. Viewed from any angle, I do not find any materials to proceed against the accused for the alleged



commission of offence. Without application of mind, the Investigating Officer has mechanically submitted the charge sheet against the accused without considering the FSL report. Hence, I proceed to pass the following:

ORDER

- (a) The Petition is ***allowed***.
- (b) The proceedings in C.C.No.14870/2025 (arising out of Crime No.215/2025 of University P.S. Kalaburagi) registered for the offence punishable under Section 28 of Arms Act, 1959, pending on the file of III Addl. Civil Judge and JMFC, at Kalaburagi, is hereby quashed.

**Sd/-
(G BASAVARAJA)
JUDGE**

MSR
List No.: 1 Sl No.: 38