HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE V. SRISHANANDA

CRIMINAL PETITION NO.201491/2024

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

BETWEEN:

NAGARAJ S/O SHIVARAJ SAJJAN,
AGE: 42 YEARS, OCC: BUSINESS,
R/O. REDDY GALLI, KHATAK CHINCHOLI,
TQ. BHALKI,
DIST. BIDAR-585 328.

...PETITIONER

Digitally signed by SUMITRA SHERIGAR
Location: HIGH COURT OF KARNATAKA

(BY SRI AMEERAHAMAJA ABDULKADAR GUNNAPURA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   THROUGH DHANNUR POLICE STATION,
   REPRESENTED BY
   THE ADDL. STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   KALABURAGI-585 102.

2. SMT. LAXMIBAI
W/O BASAVARAJ BANGARE,
AGE: 41 YEARS,
OCC: ANGANWADI SUPERVISOR,
O/O. CDPO BHALKI,
R/O. BHALKI,
DIST. BIDAR-585 328.

…RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP, FOR R1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, PRAYING TO QUASH THE FIR REGISTERED IN CR.NO.144/2023 REGISTRED BY DHANNURA POLICE STATION, BIDAR DISTRICT, (C.C.NO.2114/24) AND CHARGE-SHEET FILED AGAINST PETITIONER FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 3 AND 7 OF THE ESSENTIAL COMMODITIES ACT, 1955.

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

CORAM: HON'BLE MR. JUSTICE V. SRISHANANDA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE V. SRISHANANDA)

1. Heard learned counsel Sri Ameerahamaja Abdulkadar Gunnapura for the appellant and learned High Court Government Pleader Sri Jamadar Shahabuddin for respondent No.1-State.

2. This petition is filed by accused No.2 under Section 482 of Cr.P.C., praying to quash the FIR registered in Crime No.144/2023 by the Dhannura Police Station, Bidar District and charge-sheet filed against him for the offences punishable under Sections 120B and 420 of IPC and Sections 3 and 7 of the Essential Commodities Act, 1955.

3. Upon the complaint lodged by Government Official - Smt. Laximibai, Dhannura Police, Bidar District, registered a case in Crime No.144/2023 on 21.11.2023 under the provisions of Sections 3 and 7 of Essential Commodity Act.

4. Facts of the case would reveal that on 21.11.2023 when complainant being the Supervisor of Anganawadi, CDPO Office, Balki, received a credible information that somebody has stored in Kanaji Village the groceries and the milk packet, which was meant for School children, intimated the same to the PSI, Dhannura Police,

who in turn formed a raid team comprising of himself, police personnel for the intended raid and secured pancha witnesses. All of them went to Kanaji Village and they raided on the house of Prakash Davargaon and seized huge quantity of groceries, consisting of 317 kg rice, 44 kg milk powder and other grocery items and drafted panchnama and also gave a report.

5. Based on the same, the Police registered the case against the petitioner as well as the said Prakash. After thorough investigation charge-sheet came to be filed against the petitioner for the offence under Sections 3 and 7 of the Essential Commodities Act.

6. Petitioner was enlarged on bail in the pending case and thereafter, approached this Court with the aforesaid prayer.

7. Sri Ameerahamaja Abdulkadar Gunnapur, learned counsel for the petitioner contended that solely on the statement given by Prakash, present petitioner has

been arraigned as accused No.2 in the incident and there is no independent investigation collected by the Police while filing the charge-sheet against the petitioner and thereby, petitioner is unnecessarily required to face the long drawn trial and which has resulted in miscarriage of justice and sought for allowing the petition.

8. *Per contra*, learned High Court Government Pleader Sri Jamadar Shahabuddin supports the filing of the charge-sheet and contends that accused has to face the pending criminal trial.

9. He would also contend that the grounds urged in the petition are in the nature of defence, which cannot be considered by this Court in this petition by holding a mini trial and sought for dismissal of the petition.

10. Having heard the arguments of both sides, this Court perused the material on record meticulously.

11. On such perusal of the material on record, admittedly complainant is a Supervisor of Anganvadi, who received the credible information of storing of the grocery items and milk powder meant for the distribution among the School children for midday meal.

12. The grocery items including the rice and milk packets were seized from the house of accused No.1 - Prakash. On enquiry with him, he has specifically stated that he has got all these things from the accused No 2. No doubt, a statement made by the co-accused, who is an accomplice in the criminal case cannot be the basis for recording an order of conviction. However, the same would be sufficient to proceed with the criminal case.

13. If at all, if there is no other material that has been collected by the investigation agency, the petitioner would be entitled for an order of acquittal in the pending criminal case after due trial.

14. This Court at this stage cannot hold a mini trial to find out whether the petitioner is not at all connected with the incident and there is no nexus between the present petitioner and the incident.

15. On the contrary, *prima facie* materials collected by the Investigation Agency for the purpose of filing of charge-sheet would be sufficient enough to proceed with the case before the trial Court.

16. Accordingly, the following:

ORDER

i. The petition is dismissed.

ii. It is made clear that dismissal of the petition shall not come in the way of petitioner canvassing all possible defence before the Trial Court, in accordance with law.

Sd/-
(V. SRISHANANDA)
JUDGE

SBS
List No.: 1 Sl No.: 36
CT:PK