**IN THE HIGH COURT OF KARNATAKA,**

**KALABURAGI BENCH**

**DATED THIS THE 24TH DAY OF JANUARY, 2025**

**BEFORE**

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

**CRIMINAL PETITION NO. 201640 OF 2024**

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

**BETWEEN:**

1. TWINKAL DIPAKBHAI RAMVANI,
   AGE: 37 YEARS, OCC: BUSINESS,
   R/O. SRINATH SOCIETY SANAND, OPP. LOHANAWAD,
   SANAND AHMEDABAD SANAND GUJRAT-382110.

2. PUSHPABEN KEYURKUMAR RAMVANI,
   AGE: 53 YEARS, OCC: BUSINESS,
   R/O. SRINATH SOCIETY SANAND, OPP. LOHANAWAD,
   SANAND AHMEDABAD SANAND GUJRAT- 382110.

3. GIRIBHAI CHUNILAL RAMVANI,
   AGE: 73 YEARS, OCC: BUSINESS,
   R/O. SRINATH SOCIETY SANAND, OPP. LOHANAWAD,
   SANAND AHMEDABAD SANAND GUJRAT- 382110.
   (M)9723010058.

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. AMEERAHAMAJA A. GUNNAPURA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA THROUGH,
   MARKET POLICE STATION BIDAR,
   REPRESENTED BY THE
   ADDL. STATE PUBLIC PROSECUTOR,

HIGH COURT OF KARNATAKA,
KALABURAGI- 585102.

2. SRI MD. WASHIM AKRAM FOOD INSPECTOR
O/O THE, DY. DIRECTOR OF FOOD AND CIVIL SUPPLY,
BIDAR-585401.

…RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1 AND R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C.(OLD) U/SEC 528 OF BNSS, U/SEC 3 AND 7 OF ESSENTIAL COMMODITIES ACT, PRAYING TO, ALLOW THE PRESENT CRIMINAL PETITIONER AND ALSO QUASH THE FURTHER PROCEEDINGS IN CRIME NO.13/2024 REGISTERED AT MARKET POLICE STATION, BIDAR AGAINST PETITIONER, FOR THE OFFENCES PUNISHABLE U/SEC 3 AND 7 ESSENTIAL COMMODITIES ACT 1955. AND THE SAID TRIALED AT HON'BLE COURT OF ADDL JMFC 2ND COURT AT BIDAR.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

1. Petitioners are before this Court with a prayer to quash the entire proceedings in Crime No.13/2024 registered by Market Police Station, Bidar against them for offences punishable under Sections 3 and 7 of Essential

Commodities Act, 1955 pending before the court of Additional JMFC II at Bidar.

2. Heard the learned counsel for the petitioners and learned High Court Government Pleader for respondents.

3. Learned counsel for the petitioners submits that only on the basis of the statement of the drivers of the lorry in which the rice belonging to Public Distribution System was being transported, the partnership firm of which the petitioners are the partners is arrayed as accused No.6 in the FIR. He submits that a statement is made by the drivers that the rice was being transported to be sold to accused No.6-partnership firm and undisputedly the rice was not sold and the seizure is not from the custody of accused No.6 or from its partners. He submits that, in similar circumstances, this Court in Crl.P.No.201727/2023 has quashed the criminal proceedings with similar allegations.

4. Learned High Court Government Pleader who has opposed the submission made by learned counsel for the petitioners, does not dispute that only on the basis of statement made by apprehended accused that the rice was being transported to be sold to the partnership firm represented by the petitioners, the partnership firm is arrayed as accused No.6.

5. Perusal of the material available on record would go to show that, on the basis of credible information received on 05.03.2024, the vehicles in which rice belonging to Public Distribution System was being transported were intercepted and during the course of enquiry, the drivers of the lorry allegedly informed the riding squad that the rice was being transported to be sold to accused No.6-partnership firm. Except the said statement, there is absolutely no other material on record to array the accused No.6-partnership firm which is represented by the petitioners, as accused to the impugned criminal proceedings.

6. In similar circumstances this court in Crl.P.No.201727/2023 and Crl.P.No.201182/2024 has quashed similar criminal proceedings. Accordingly, the following order:

ORDER

a) The Criminal Petition is allowed.

b) The entire proceedings in Crime No.13/2024 registered by Market Police Station, Bidar against them for offences punishable under Sections 3 and 7 of Essential Commodities Act, 1955 pending before the court of Additional JMFC II at Bidar, insofar as it relates to petitioners, who are the partners of accused No.6-partnership firm, is hereby quashed.

**Sd/-**
**(S.VISHWAJITH SHETTY)**
**JUDGE**

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