



CRL.P No. 103229 of 2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 31ST DAY OF OCTOBER, 2022

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 103229 OF 2022 (482-)

BETWEEN:

SHIVAPPA NAGAPPA ANGADI
AGE: 26 YEARS, OCC: PROPRIETOR,
VINAYAK TRADERS,
R/O. BANKAPUR KOTTIGERI
TQ: SHIGGAON, DIST: HAVERI-581110.

...PETITIONER

(BY SRI. V M SHEELVANT, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY PSI SHIGGAON POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARANTAKA
DHARWAD BENCH-580001
2. SHIVANAND S/O CHANNABASAPPA
AGE: 34 YEARS, OCC: FOOD INSPECTOR
R/O. SHIGGAON TAHAHEELDAR OFFIC,
TQ: SHIGGAON, DIST: HAVERI-581110.

...RESPONDENTS

(BY SMT. GIRIJA HIEMATH, HCGP FOR R1 AND R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.,
SEEKING TO QUASH THE PROCEEDINGS AGAINST THE
PETITIONER/ACCUSED REGISTERED IN CC NO.484/2020
PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC
COURT, SHIGGAON, FOR THE OFFENCES PUNISHABLE U/S 7
AND SECTION 3 OF ESSENTIAL COMMODITIES ACT, 1955
AND SECTION 18 OF KARNATAKA ESSENTIAL COMMODITIES
(PUBLIC DISTRIBUTION SYSTEM) PUBLIC CONTROL ORDER
NO.2016.

**John
Doe**
Digitally
signed by
John Doe



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

ORDER

Learned High Court Government Pleader accepts notice for
respondent Nos.1 and 2.

2. Police after investigation submitted a charge sheet for
the offences punishable under sections 3 and 7 of the Essential
Commodities Act, 1955 and Section-18 of the Karnataka Essential
Commodities (Public Distribution System) Public Control Order
2016, alleging that the petitioner/accused was transporting food
grains meant for public distribution system without license.

3. Learned Magistrate after accepting the charge sheet
took cognizance of the aforesaid offences and issued summons.
Taking exception to the same accused is before this court.

4. Heard learned counsel for petitioner and learned High
court Government Pleader for respondents.

5. It is alleged that on receiving credible information, the
Police stopped the vehicle in which food grains meant for public
distribution system were being transported without license and
thereafter conducted panchanama and the seized food materials
which were meant for public distribution system. The aforesaid
offences alleged against the petitioner/accused are cognizable in
nature. Conducting investigation after registering the FIR for the



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cognizable offences is the procedure established by law and in conformity with article of 21 of the Constitution of India as held by the Hon'ble Supreme Court in the case of ***LALITA KUMARI VS. GOVERNMENT OF UTTAR PRADESH & ORS.*** repoted in ***(2008) 14 SCC 337***. In the instant case the Police having received a credible information, stopped the vehicle which was used for transporting the food grains meant for distribution under public distribution system unauthorizedly were required to register the FIR and thereafter seize the food grains by drawing panchnama. The Police having failed to follow the procedure prescribed has conducted the investigation before registering the FIR and same is violative of article 21 of the Constitution Of India. Even otherwise, there is no explanation offered by the Police stating that due to exigency, registration of FIR was dispensed with before conducting the investigation.

6. The charge sheet material does not disclose that the food grains which were allegedly being transported unauthorisedly by the accused were meant for distribution under the public distribution system, having regard to the fact that the petitioner is the registered dealer for purchasing and supplying of food grains in open market. In view above, the conducting of the investigation without registration the FIR in the first instant culminating in filing



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of the charge sheet stands vitiated. Accordingly, I pass the following:

ORDER

The criminal petition is allowed.

The impugned proceedings in C.C.No.484/2020 pending on the file of the Senior Civil Judge and J.M.F.C. Court, Shiggaon is hereby quashed.

**Sd/-
JUDGE**

AC