



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF AUGUST, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR**

**CRIMINAL PETITION NO. 3077 OF 2023**

**BETWEEN:**

1. RAHUL SUNIL WADHAWANI  
S/O SUNIL JETHUMAL WADHWANI  
AGED ABOUT 33 YEARS  
RESIDING AT 301, A/46, PRASHANT  
BUILDING FILM CITY ROAD,  
GOKULDHAM, GOREGAON EAST,  
MUMBAI (SUB URBAN),  
MAHARASHTRA-400 063.
2. VIPLAV SHARMA  
S/O SAHDEO SHARMA  
AGED ABOUT 36 YEARS,  
HAVING PRINCIPAL ADDRESS  
AT 302, BHAGIRATHI APARTMENTS,  
B-9/14, SECTOR-62, GREEN  
BOULEVARD, GAUTHAM BUDH NAGAR  
NOIDA-201307 UTTAR PRADESH  
ALSO AT 2401, 15 EVELYN ROAD  
SINGAPORE-309311.
3. NAYANTARA MENON MEHTA  
D/O CHENGALATH JAYARAM,  
AGED ABOUT 33 YEARS,  
WORKIN FOR GAINS AT UNIT NO.3,  
LUCKY CORNER, PREMISES 54,  
M.G. ROAD, VILE PARLE, E MUMBAI CITY,  
MAHARASHTRA-400057.

...PETITIONERS

(BY SRI. A.S. VISHWAJITH, ADVOCATE)



**AND:**

STATE OF KARNATAKA  
REPRESENTED BY SENIOR LABOUR INSPECTOR,  
15TH CIRCLE, ROOM NO.10(D),  
GROUND FLOOR, KARMIKA BHAVANA,  
WJM2+M9R, BANNERGHATTA MAIN ROAD,  
BHAVANI NAGAR, HOMBEGOWDA NAGAR,  
BENGALURU-560029, KARNATAKA.

...RESPONDENT

(BY SRI. M.R. PATIL, HCGP FOR R-1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.287 OF 2023 ON THE FILE OF THE METROPOLITAN MAGISTRATE AND TRAFFIC COURT - I AT BENGALURU. (MMTC-I) INsofar AS THE PETITIONERS CONCERNED (AS PER ANNEXURE A) AND ETC.

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

**O R D E R**

The respondent has filed a private complaint under Section 200 of Cr.PC read with Section 22(B)(1(b) of Minimum Wages Act, 1948, alleging that, the petitioners herein have not maintained the records pertaining to the wage registers as required under the provisions of the Act. The learned Magistrate, after perusing the complaint, took the cognizance of the offence under Section 18 of the Minimum Wages Act, 1948 and Rules 22, 23, 29, 30 and 30A of the Karnataka Minimum Wages Rules, 1958. The cognizance of the aforesaid offences is impugned in this petition.



2. The learned counsel for the petitioners submits that the petitioners are the directors and formal directors of the company, and the company having not been arraigned as an accused, they cannot be held vicarious guilty as specified under Section 22(c) of the Act. In support, he places reliance on the decision of the coordinate Bench of this Court in the case of Kartik Bhandari -vs- State of Karnataka in Crl.P No.5513/2020.

3. On the other hand, the learned High Court Government Pleader for the respondent submits that, the averments made in the complaint disclose the commission of offence alleged against the petitioner. The learned Magistrate has rightly taken the cognizance of the aforesaid offence, and the same does not warrant any interference.

4. Considered the submissions of the learned counsel for the parties.

5. Perusal of the complaint indicates that, the inspection was conducted by the respondent in the premises of M/s.KCHN Development Services Private Limited, a company incorporated under the provisions of the Indian Companies Act, and it was found that, the petitioners have not maintained the wage registers as contemplated under the provisions of the Act.

6. Section 22 deals with offences by companies and specifies that if the person committing any offence under this Act is a company, every person who at the time the offence



was committed, was incharge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. In the instant case, the company having not been arraigned as an accused, the petitioners, who are the directors and formal directors, cannot be held vicarious guilty of the offences alleged against them. Therefore, the continuation of criminal proceeding will be an abuse of process of law. Accordingly, I pass the following:

**ORDER**

- i) Criminal petition is allowed.
- ii) The impugned proceeding in Criminal Case No.287/2023 pending on the file of the learned Metropolitan Magistrate and Traffic Court - I, Bengaluru, is hereby quashed.

**Sd/-**  
**JUDGE**

BKM