



APHC010309522025



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 6500 OF 2025



Between:

MS Prasad Gms Traders Kuppam, Sri M.S. Prasad, S/o. M. Subramanyam
Aged about 30 years, Proprietor of GMS Traders, 20-67/7, Opposite Bharath
Petrol Bunk, Main Road, Kuppam, Chittoor District, PIN 517 425 (A1)

A1

T.Balachandar, S/o. Thavamani, Green Star Fertilizers Limited, D.No.A-25,
SPIC Nagar, Responsible Person for M/s. Green Star Fertilizers, Tamilnadu
Tuticorin-24 PIN 628005, Tamilnadu

...Petitioner/A2

AND

1. State, Represented by the Assistant Director of Agriculture (Regular)
Palamaner, Chittoor District, Andhra Pradesh

...1st Respondent/De-favto Compalainant

2. The State of Andhra Pradesh, Rep by Public Prosecutor,High Court at
Amravati, Andhra Pradesh

...2nd Respondent

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against petitioners/accused in C.C.No.82 of 2024 on the file of Hon'ble Court of Third Additional Civil Judge (Junior Division), Chittoor, registered U/S. 19 (1) (A) of Fertilizer (Control Order)-1985 and section 7(1) (A) II of Essential Commodities Act,1955

IA NO: 1 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition the High Court may be pleased to STAY all further proceedings in C.C.No.82 of 2024 on the file of Hon'ble Court of Third Additional Civil Judge (Junior Division),Chittoor, registered U/S. 19 (1) (A) of Fertilizer (Control Order)-1985 and section 7(1) (A) II of Essential Commodities Act, 1955; till the disposal of the Criminal petition

Counsel for the Petitioners:SRI HARANADHA RAJU KATTA

Counsel for the Respondents: PUBLIC PROSECUTOR

Counsel for the Respondents:

The Court made the following order:



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3457]

MONDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 6500/2025

Between:

Ms Prasad Gms Traders Kuppam and Others ...PETITIONER/ACCUSED(S)

AND

State and Others ...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused(S):

1. HARANADHA RAJU KATTA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

2.

The Court made the following Order:

Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor.

2. This Criminal Petition has been filed to quash the proceedings against the petitioners/accused Nos.1 and 2 in C.C. No. 82 of 2024 on the file of the III Additional Civil Judge (Junior Division), Chittoor, for the alleged offences under Section 19 (1) (A) of Fertilizer (Control Order)-1985 and Section 7(1) (A) II of Essential Commodities Act, 1955.

3. However, both learned counsels submit that similar matters have already been allowed by this Court in Crl.P.Nos. 6568 of 2023 and 825 of 2024, vide common order dated 19.03.2025.

4. In terms of the same and for reasons alike, this criminal petition is also allowed.

5. The Registry is directed to append a copy of the common order passed in Crl.P.Nos. 6568 of 2023 and 825 of 2024, vide common order dated 19.03.2025, to this order.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

**Sd/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

1. The III Additional Judicial Magistrate of First Class-cum- III Additional Civil Judge(Junior Division), Chittoor,

3. One CC to Sri. Haranadha Raju Katta Advocate [OPUC]

4. Two CCs to The Public Prosecutor, High Court of A.P.[OUT]

5. Two CD Copies

MKP

NM

HIGH COURT

DATED:30/06/2025

ORDER

CRLP NO. 6500 OF 2025



ALLOWING THE CRLP



IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3457]

WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 6568/2023

Between:

T. Sukumar and Others ...PETITIONER/ACCUSED(S)

AND

Sri E Ramesh Reddy and ...RESPONDENT/COMPLAINANT(S)
Others

Counsel for the Petitioner/accused(S):

1. HARANADHA RAJU KATTA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

2.

HN, J
Crl.P.Nos.6568_2023 and 825_2024

APHC01006522024



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3457]

WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 825/2024

Between:

Smt.terli Sunitha and Others ...PETITIONER/ACCUSED(S)

AND

The State Government Of ...RESPONDENT/COMPLAINANT(S)
Andhra Pradesh and
Others

Counsel for the Petitioner/accused(S):

1. HARANADHA RAJU KATTA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2.

The Court made the following Common Order:

1. In Criminal Petition No.6568 of 2023, the petitioners are arraigned as Accused Nos.1 and 2 in C.C.No.418 of 2022, on the file of III Additional Judicial Magistrate of I Class-Civil Judge-Cum-Special Court for Fertilizer Control Act, Chittoor.
2. In Criminal Petition No.825 of 2024, the petitioners are arraigned as Accused Nos.1, 2 and 3 in C.C.No.708 of 2023, on the file of the Judicial Magistrate of I Class, Vizianagaram.
3. It is submitted by the learned counsel for the petitioners that the petitioners are charged with committing the alleged offences under Section 19(a) and (b) of the Fertilizer (Control) order, 1985, read with Section 7(i)a(ii) of the Essential Commodities Act, 1955.
4. It is submitted that in Criminal Petition No.6568 of 2023, the 1st petitioner is shown as a dealer of M/s.Navayuga Fertilizers and Company, and the 2nd petitioner is shown as Manager and Person Responsible of M/s.Greenstar Fertilizers Limited. In Criminal Petition No.825 of 2023, the 1st petitioner is shown as dealer of the business of Fertilizers and a dealer of 2nd petitioner, the 2nd petitioner is doing wholesale dealer in Fertilizers and distributor of

M/s.Greenstar Fertilizers Limited, and the 3rd petitioner is an employee of M/s.Greenstar Fertilizers Limited, Vijayawada.

5. The learned counsel for the petitioners submits that the petitioners are only employees of the respective companies, and the samples of the seeds manufactured by the respective companies were drawn for testing. Upon receipt of the report of the Assistant Director of Agriculture, Fertilizer Proving Center, the samples were found to be non-standard. On the strength of the said report, the 1st respondent has filed the complaint before the Court.

6. The learned counsel for the petitioners further submits that without arraigning the company as an accused, the employees of the company cannot be vicariously liable for the commission of the alleged offences.

7. The learned counsel for the petitioners placed reliance on the judgment of the High Court for the State of Karnataka in W.P.No.15071 of 2023. The initiation of criminal prosecution for alleged offences under the Fertilizer Control Order and the Essential Commodities Act was considered by the Karnataka High Court. In that case, the manufacturer of the subject fertilizer was

not arraigned as an accused, and it was held that without arraigning the company, the petitioners cannot be held vicariously liable. On these grounds, the writ petition was allowed, and the proceedings before the learned Judicial Magistrate of I Class were quashed.

8. A similar view was taken by the Karnataka High Court in the matter of ***Zuari Agro Chemicals Limited vs. State of Karnataka*** in Crl.P.No.101492 of 2022.

9. The High Court of Jammu and Kashmir and Ladakh at Srinagar, in Crl.M.Nos.496 of 2021 and 878 of 2021, has taken a similar view. In those cases, the petitioners were shown as officers of the company and were shown as accused. Admittedly, the petitioners are not the manufacturers of the seeds whose sample were drawn by the respondent No.1 authority for the purpose of testing. Without arraigning the manufacturing of the seeds, the criminal liability cannot fastened on the employees of the company.

10. Considering the submissions, this Court, it in its considered opinion, following the judgments of the High Court for the State of Karnataka, holds that the prosecution lodged by the 1st respondent cannot withstand the scrutiny of law.

HN, J
Crl.P.Nos.6568_2023 and 825_2024

11. Accordingly, the Criminal Petitions are allowed. C.C.No.418 of 2022, on the file of III Additional Judicial Magistrate of I Class-Civil Judge-Cum-Special Court for Fertilizer Control Act, Chittoor and C.C.No.708 of 2023, on the file of the Judicial Magistrate of I Class, Vizianagaram, are hereby quashed.

Pending miscellaneous petitions, if any, shall stand closed.

Sd/- K J RAJA BABU
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

- The III Additional Judicial First Class Magistrate at Chittoor.
- 2. The Judicial Magistrate of I Class, Vizianagaram.
- 3. One CC to Sri Haranadha Raju Katta, Advocate [OPUC]
- 4. Two CC to Public Prosecutor, High Court of Andhra Pradesh at Amaravathi. [OUT]
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