



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 27TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.105457 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

SHRI B. KRISHNAPPA,
AGE: 59 YEARS,
SENIOR MANAGER, QUALITY CONTROL,
MANGALORE CHEMICALS & FERTILIZERS LTD.,
PANAMBUR, MANGLORE-575010.

...PETITIONER

(BY SRI M. J. PEERJADE, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
R/BY THE FERTILIZER INSPECTOR CUM ASSISTANT
DIRECTOR OF AGRICULTURE OFFICE OF
JOINT DIRECTOR OF AGRICULTURE-587101,
R/BY S.P.P. HIGH COURT OF KARNATAKA,
BENCH DHARWAD.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.528 OF BNSS), PRAYING TO THAT THE ENTIRE PROCEEDINGS IN C.C.NO.3253/2025 PENDING BEFORE THE COURT OF ADDITIONAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS BAGALKOT AGAINST THE PETITIONER/ACCUSED NO.2 OF THE OFFENCE PUNISHABLE U/S.3 & 7 OF THE ESSENTIAL COMMODITIES ACT, 1955, BE QUASHED IN THE INTEREST OF JUSTICE.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

Though this matter is listed for admission with the consent of both learned counsel for the petitioner and learned HCGP for State it is taken for final disposal.

2. This petition is filed by accused No.2 under Section 482 of Cr.P.C., seeking for following relief;

"WHEREFORE IT IS, most respectfully prayed that, the entire proceedings in C.C.No.3253/2025 pending before the court of Addl. Civil Judge and Judicial Magistrate First Class Bagalkot against the petitioner/Accused No.2 of the offence punishable under sec.3 & 7 of the Essential Commodities Act 1955 be kindly quashed in the interests of justice".

3. It is the case of the prosecution, as borne out from the complaint, FIR, and material available at this stage, that accused No.1 is the owner of a firm namely Vasavi Agro Services and is engaged in the business of



retail sale of fertilizers, holding a valid retail licence for the same. The petitioner, who is arrayed as accused No.2, is a Senior Manager (Quality Controller) at Mangalore Chemicals & Fertilizers Ltd., Panambur, Mangaluru¹.

4. Upon inspection conducted by the Assistant Director of Agriculture (HQ), Bagalkot, it was found that non-standard fertilizer was being sold. It is alleged that accused No.2, being the Manager (Quality Controller) of the Company, failed to ensure the quality of the material. Consequently, a private complaint was lodged under Section 200 of Cr.P.C., and cognizance was taken for the aforesaid offences.

5. The learned counsel for the petitioner/accused No.2 submitted that the petitioner is only a Senior Manager in the Company, and unless the Company itself is arraigned as an accused, the petitioner cannot be held vicariously liable. Therefore, the complaint is not maintainable insofar

¹ Hereinafter referred to as "the Company"



as accused No.2 is concerned. In support of this contention, reliance is placed on the judgments of this Court in ***Shri Mahesh Naik vs. The State of Karnataka*** (Crl.P.No. 104078/2022, dated 12.12.2022) and ***Shri Ganeshappa K.S. vs. The State of Karnataka*** (Crl.P.No.101541/2023, dated 07.09.2023).

6. The issue is no more *res-integra* in view of the aforesaid judgments passed by this Court. In ***Shri Mahesh Naik*** (*supra*), this Court, in paragraphs Nos.6 and 7, has held as follows:

7. "Section 2(a) of the Fertilizer (Control) Order, 1985 specifies that "Act" means the Essential Commodities Act, 1955. Section 10 of the Essential Commodities Act, 1955 specifies that if the person contravening an order made under Section 3 is a company, every person who, at the time the contravention was committed, was in charge 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 contravention and shall be liable to be proceeded against and punished accordingly. Hence,



to hold the officer of the Company vicariously guilty, the Company should be arrayed as an accused.

8. In the instant case, the Company having not been arrayed as an accused, the petitioner cannot be held vicariously guilty of the aforesaid offences as specified under Section 10 of the Essential Commodities Act, 1955. Accordingly, I pass the following”:

9. Therefore, in light of the issue being covered as stated above, the criminal proceedings initiated against accused No.2 are not maintainable. Hence, they are liable to be quashed insofar as accused No.2 is concerned.

10. Accordingly, the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused No.2 in C.C.No. 3253/2025 pending before the Court of the Additional Civil Judge and Judicial Magistrate First Class, Bagalkot, for the offences punishable under Sections 3 & 7 of the Essential Commodities Act, 1955, are hereby quashed.



**NC: 2026:KHC-D:4851
CRL.P No. 105457 of 2025**

In view of the disposal of the petition, pending I.As.
if any, shall also stand disposed of.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**

ASN /CT-AN
List No.: 1 Sl No.: 15