



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 30TH DAY OF JANUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.201684 OF 2023

BETWEEN:

1. YOGESH S/O. RAJENDRA JAMADAR
AS PER CHARGE SHEET
AGE: 23 YEARS, OCCUPATION: BUSINESS,
R/O. RUDRAWADI, TALUK: ALAND,
DISTRICT: KALABURAGI-585302.
2. MOUNESH S/O. SIDRAMAPPA MALIPATIL,
AGE: 38 YEARS, OCCUPATION: DRIVER,
R/O. MAMDAPUR, TALUK: ALAND,
DISTRICT: KALABURAGI.

...PETITIONERS

(BY SRI.AMEERAHAMAJA ABDULKHADAR GUNNAPURA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH ALAND POLICE STATION,
REPRESENTED BY THE ADDITIONAL STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, KALABURAGI-585102.

...RESPONDENT

(BY SRI.GOPAL KISHAN YADAV, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C./ UNDER SECTION 528 OF BNSS, PRAYING TO ALLOW THE PRESENT CRIMINAL PETITION AND ALSO QUASH THE FIR NO.81/2022 WHICH WAS REGISTERED AT ALAND POLICE STATION, KALABURAGI DISTRICT AGAINST PETITIONER NO.1 YOGESH S/O. RAJENDRA JAMADAR AND PETITIONER NO.2 MOUNESH S/O. SIDRAMAPPA MALIPATIL, FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 3, 6 AND 7 OF THE ESSENTIAL COMMODITIES ACT 1955 IN THE INTEREST OF JUSTICE AND EQUITY. THE SAID CASE

VIJAYALAKSHMI
M KANKUPPI


Digitally signed by
VIJAYALAKSHMI M
KANKUPPI

Date: 2026.02.06
10:29:31 +0530



TRIALED AT PRL.C.K (JD) AND JMFC ALAND OF KALABURAGI DISTRICT.

THIS PETITION, COMING ON FOR ADMISSION THIS DAY, THROUGH VIDEO CONFERENCE HEARING AT DHARWAD BENCH ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

1. Petitioners are seeking to quash FIR No.81/2022 registered by Aland Police Station, Kalaburagi, for the offence punishable under Sections 3, 6 and 7 of the Essential Commodities Act, 1955 (hereinafter referred to as 'the EC Act', for short).

2. Heard both sides and perused the material on record.

3. FIR is registered against the petitioners and the owner of EICHER vehicle bearing registration No.MH.08.H-0861 alleging that on 25.06.2022 at about 04.30 a.m., the accused were found transporting the rice meant for public distribution, purchased from the villagers, with an intention to sell it for higher price. A total quantity of 6260kg of rice valued at ₹1,56,520/- as well as the vehicle in question were seized under a mahazar.



4. On completion of investigation, charge sheet is filed against the petitioners namely accused Nos.1 and 2 for the offence punishable under Sections 3, 6 and 7 of EC Act for violating Clause 18 of The Karnataka Essential Commodities (Public Distribution System) Control Order, 1992.

5. The instant petition to quash the FIR is filed on the ground that the petitioners are innocent of the alleged offence and the allegations that they were illegally transporting ration rice meant for Public distribution etc. are false. The learned counsel contended that petitioner No.1 is the owner of M/s Dinesh Trading Company, Rudrawadi, Taluk Aland, Kalaburagi district and he purchased the rice from M/s Wasim Trading Company, Zafarabad, Kalaburagi on 26.04.2022 at ₹20/- per kg. He further contended that the said M/s Wasim Trading Company has purchased the rice from Shree Ganesh Trading Company. He relies on the bill dated 16.06.2022 issued by Shree Ganesh Trading Company at Annexure H and also the tax invoice issued by M/s Wasim Trading Company to M/s Dinesh Trading Company. The



learned counsel also contended that under similar circumstances, this Court taking into consideration the relevant documents, quashed the proceedings in Criminal Petition No.200646/2022 vide Order dated 11.07.2022.

6. The learned High Court Government Pleader contended that investigation is completed and charge sheet is already filed in this case. Further, the petitioners have filed discharge application before the trial Court and the said application was rejected on 18.10.2023 and so far, the petitioners have not challenged the said order. He contended that there is a prima facie case against the petitioners and the documents now furnished cannot be taken into consideration at this stage. He has accordingly sought to dismiss the petition.

7. As rightly contented by the learned HCGP, the copy of the documents now produced and relied on by the petitioners cannot be taken into consideration in this petition seeking quashing of the proceedings. The veracity or the authenticity of those documents cannot be gone into at this stage. Further, it is not in dispute that the trial Court has



rejected the application filed under Section 239 of Cr.P.C. seeking discharge vide order dated 18.10.2023. The petitioners, as on today, have not challenged the said order.

8. There is no merit in this petition. Petition is dismissed. Consequently, I.A.1/2025 is disposed of.

All the contentions are kept open to be raised at the appropriate stage.

SD/-
(MOHAMMAD NAWAZ)
JUDGE

KMV
CT:PA
LIST NO.: 19 SL NO.: 3