

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 520 OF 2024

BETWEEN:

SMT. SHOBHA
W/O JAGADEESH,
AGED ABOUT 56 YEARS,
HEAD MASTER, GHPS TARURU,
HALANAHALLI VILLAGE,
KALLAMBELLA HOBLI,
SIRA TALUK, TUMAKURU DISTRICT 572125

...PETITIONER

(BY SRI. V.B SIDDARAMAIAH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY KALLEMBELLA POLICE STATION,
KALLEMBELLA, SIRA TALUK,
TUMAKURU DISTRICT 572125.

REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560 001

2. SRI RANGAIAH C
S/O LATE CHIKKARANGAIAH,
AGED ABOUT 34 YEARS,
WORKING IN MICRO FINANCE,
TARURU VILLAGE,
KALLAMBELLA, SIRA TALUK,
TUMAKURU DISTRICT-572 125

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SMT. MANORANJINI, ADVOCATE FOR R2)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CRIMINAL CASE IN C.C.NO.3327/2023 (CR.NO.131/2023) REGISTERED BY THE 1ST RESPONDENT THE KALLAMBELLA POLICE STATION, KALLAMBELLA, SIRA TALUK, TUMAKURU DISTRICT, FOR THE ALLEGED OFFENCE P/U/S 285 AND 337 OF IPC PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C., SIRA, REGISTERED ON THE COMPLAINT OF THE 2ND RESPONDENT.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 09.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed by accused No.4 under Section 482 of the Cr.P.C., seeking quashing of the entire proceedings in C.C.No.3327/2023 arising out of Crime No.131/2023 registered by Kallambella Police Station, Kallambella, Sira Taluk, Tumakuru District, wherein the petitioner has been arrayed as accused No.4 for the offences punishable under Sections 285 and 337 of the IPC.

2. The facts of the case, in brief, are that on 15.06.2023 at about 1.10 p.m., Rithvika, a II Standard student of Government Higher Primary School, Taruru, Halanahalli Village, Kallambella Hobli, Sira Taluk, Tumakuru District, accidentally fell into a utensil containing sambar prepared for serving the mid-day meal in the said school. As a result, she

sustained grievous injuries and was admitted to the hospital. Her father, Rangaiah, lodged a complaint before the Kallambella Police Station against four persons, namely, the Head Mistress, Head Cook and Assistant Cooks of the said school.

3. Based on the said complaint, the Kallambella Police registered FIR in Crime No.131/2023 and, after completion of investigation, laid the charge-sheet against four persons. Jayamma, Nagamani and Manjamma, who were working as Cooks in the said school, were arrayed as accused Nos.1 to 3 respectively, while Shobha, who was working as the Head Mistress of the school, was arrayed as accused No.4. Hence, the petitioner, who is arraigned as accused No.4, is before this Court seeking quashing of the proceedings in C.C.No.3327/2023.

4. Learned counsel for the petitioner would contend proceedings against the petitioner, being the Head Mistress of the school, cannot be proceeded in the absence of any *prima facie* material in the charge-sheet attributing any act of negligence to her so as to attract Sections 285 and 337 of the IPC. He would submit that the incident occurred while the mid-

day meal was being served to the students, when the victim accidentally fell into a large utensil containing sambar prepared for the said purpose. It is contended that the Government has provided a separate kitchen in every school for preparation of mid-day meals, which is maintained by dedicated staff. In the present case, accused Nos.1 to 3 were the persons entrusted with the responsibility of preparing and serving the mid-day meals. Therefore, the petitioner, merely by virtue of being the Head Mistress, cannot be vicariously held liable for any alleged act of negligence committed by the said staff. He further contended that in the disciplinary inquiry conducted against the petitioner, she was discharged of the charges levelled against her. Accordingly, he seeks to allow the petition and quash the proceedings insofar as the petitioner is concerned.

5. In order to buttress his arguments, he relied upon following judgments:

- i) CrI.P.No.101871/2022 disposed of on 07.09.2023
- ii) CrI.P.No.359/2019 disposed of on 12.01.2023
- iii) CrI.P.No.100194/2015 disposed of on 18.02.2016

6. *Per contra*, learned counsel for respondent No.2 would contend that, pursuant to completion of investigation,

the charge-sheet has been laid and the statements of witnesses clearly disclose that the petitioner, being the Head Mistress of the school, was responsible for supervising and managing the mid-day meal scheme. She would submit that the Circular of the Government of Karnataka, Education Department dated 08.06.2016 in respect of safe implementation of Mid Day Meals clearly states about the safely measures to be taken in the school. Further, the Responsibilities of the Head of the Institution embedded in the Guidelines of the Education Department of 2024-25 for implementation of quality education in Primary and Higher Primary Schools specifically casts responsibility upon the Head of the Institution to ensure proper implementation of the mid-day meal scheme in accordance with the guidelines/circulars issued in that regard.

7. It is further contended that, in the present case, the utensil containing the hot sambar was kept open without necessary supervision and monitoring, thereby exposing the children to probable danger. It is also contended that the incident occurred on account of the negligence of the staff entrusted with the preparation and serving of the mid-day

meals, coupled with the failure of the petitioner, as Head Mistress, to properly supervise and monitor their activities.

8. She would further submit that the Circular governing safe implementation of the mid-day meal scheme cast a specific duty upon the teachers and Head Masters to ensure safety of the children while serving the mid day meal at school. Despite the same, the petitioner failed to discharge her supervisory responsibility. Consequently, due to such negligence, a II Standard student sustained burn injuries over her body. Hence, she would contend that the material on record prima facie discloses the involvement and negligence of the petitioner and, therefore, the proceedings against her do not warrant interference at this stage.

9. Learned counsel has placed on record the Circular of the Government of Karnataka, Education Department dated 08.06.2016 in respect of safe implementation of Mid Day Meals, the Guidelines of the Education Department of 2024-25 for implementation of quality education in Primary and Higher Primary Schools wherein the responsibilities of the Head of the Institution are embedded and the photographs of the victim girl. Accordingly, she prays to dismiss the petition.

10. Learned HCGP also supported the case of respondent No.2.

11. As could be gathered from records, the incident occurred near the kitchen when the child, while moving around, fell into the utensil containing the sambar prepared for the mid-day meal, which was kept open, though it was very hot, without any supervision, that too when the staff had the knowledge that the children will be moving around in the school. Though accused Nos.1 to 3 were the cooks entrusted with the preparation of the mid-day meal, the petitioner, being the Head Mistress and Head of the Institution, was also responsible for supervising and monitoring the implementation of the mid-day meal scheme.

12. No doubt, the concept of vicarious liability is generally alien to criminal law. However, the aforesaid Circular dated 08.06.2016 specifically states the safety measures to be taken at the school while implementing mid day meal scheme. Paragraph 7 of the said Circular reads as under:

"ಶಾಲಾ ಹಂತದಲ್ಲಿ ಅಡುಗೆ ತಯಾರಿಕಾ/ವಿತರಣೆ ಪ್ರಕ್ರಿಯೆ ಮತ್ತು ಅನುಷ್ಠಾನದ
ಜವಾಬ್ದಾರಿ:

ಶಾಲಾ ಹಂತದಲ್ಲಿ ಆಹಾರ ಧಾನ್ಯ/ ಪದಾರ್ಥಗಳು ಮತ್ತು ಅಡುಗೆ ತಯಾರಿಕಾ ವೆಚ್ಚಗಳ ಅಗತ್ಯ ಬೇಡಿಕೆಗಳನ್ನು ನಿಗದಿತ ಅವಧಿಗೆ ಮುಂಚಿತವಾಗಿಯೇ ಸಲ್ಲಿಸುವುದು, ಅಗತ್ಯ ಸಮಯಗಳಲ್ಲಿ ದಾಸ್ತಾನು ಮತ್ತು ಅನುದಾನಗಳನ್ನು ಪಡೆಯುವುದು, ಶಾಲಾ ವಾತಾವರಣ, ಅಡುಗೆ ಕೋಣೆ ಸ್ವಚ್ಛತೆ, ಆಹಾರ ಧಾನ್ಯ/ಪದಾರ್ಥ/ಸಾಮಗ್ರಿಗಳನ್ನು ಸುರಕ್ಷಿತ ಹಾಗೂ ಗುಣಮಟ್ಟ ಹಾಳಾಗದಂತೆ ಸಂರಕ್ಷಿಸುವುದು/ದಾಸ್ತಾನು ಮಾಡುವುದು, ಪಾತ್ರೆ ಪರಿಕರಗಳ ಸ್ವಚ್ಛತೆ, ಆಹಾರ ಧಾನ್ಯಗಳ ಸ್ವಚ್ಛತೆ, ಅಡುಗೆ ತಯಾರಿಸಲು ಬಳಕೆ ಮಾಡುವ ನೀರು ಮತ್ತು ಶುದ್ಧ ಕುಡಿಯುವ ನೀರಿನ ವ್ಯವಸ್ಥೆ, ಅಡುಗೆ ತಯಾರಿಸಲು ಅಗತ್ಯ ಇಂಧನ ವ್ಯವಸ್ಥೆ, ಮಕ್ಕಳಿಗೆ ಶುಚಿ-ರುಚಿಯಾದ ಮತ್ತು ಪೌಷ್ಟಿಕಾಂಶ ಭರಿತ ಆಹಾರವನ್ನು ನೀಡುವುದು ಮಕ್ಕಳಿಗೆ ಸುರಕ್ಷಿತವಾಗಿ ಉಟ ಬಡಿಸುವುದು, ಮಕ್ಕಳು ಬಿಸಿಯಾದ ಪಾತ್ರೆ, ಆಹಾರ ಸಾಮಗ್ರಿಗಳು ಮತ್ತು ಅಡುಗೆ ಕೋಣೆಯಿಂದ ದೂರವಿರುವಂತೆ ಎಚ್ಚರ ವಹಿಸುವುದು. ಸೋಪು ಬಳಸಿ ಮಕ್ಕಳು ಉಟಕ್ಕೂ ಮುನ್ನ ಮತ್ತು ಉಟದ ನಂತರ ಕೈತೊಳೆಯುವ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಉಟದ ನಂತರದ ಶಾಲಾ ಆವರಣ ಸ್ವಚ್ಛವಾಗಿರಿಸುವುದು, ಮಾತ್ರಗಳ ವಿತರಣೆ. ಈ ಎಲ್ಲಾ ಜವಬ್ದಾರಿಗಳ ಮೇಲ್ವಿಚಾರಣೆಯು ಶಾಲಾ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರದ್ದಾಗಿದ್ದು. ಶಾಲೆಯಲ್ಲಿ ಕಾರ್ಯಕ್ರಮದ ಅನುಷ್ಠಾನದ ಮೇಲ್ವಿಚಾರಣೆಯಲ್ಲಿ ಯಾವುದಾದರೂ ಲೋಪ ಉಂಟಾದಲ್ಲಿ ಆಯಾ ಶಾಲಾ ಮುಖ್ಯೋಪಾಧ್ಯ, ಸಂಬಂದಪಟ್ಟ ಸಿ.ಆರ್.ಪಿ. ರವರು ನೇರ ಹೊಣೆಗಾರರಾಗಿರುತ್ತಾರೆ.

Thus, the petitioner, even in accordance with the Guidelines of the Education Department of 2024-25 for implementation of quality education in Primary and Higher Primary Schools, being the Head of the Institution, is shouldered with responsibility to ensure that the Circular issued by the Education Department in respect of mid day meal are followed accordingly.

13. In the present case, the charge-sheet material discloses that the lid of the utensil containing the hot sambar was kept open, without adequate supervision. The circumstances surrounding the incident, therefore, *prima facie* disclose negligence on the part of accused Nos.1 to 3 in handling the hot sambar and, correspondingly, failure on the part of accused No.4, the petitioner, to discharge her supervisory responsibility. Consequently, at this stage, the ingredients of Sections 285 and 337 of the IPC cannot be said to be wholly absent, particularly when the alleged incident is attributed to the negligent handling of the hot sambar and the failure to exercise proper supervision.

14. These aspects involve appreciation of the charge-sheet material and the evidence to be adduced by the parties and, therefore, are matters which require consideration in a full-fledged trial. In that view of the matter, the judgments relied upon by learned counsel for the petitioner are distinguishable on the facts and circumstances of the present case.

15. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious or oppressive. If the allegations set out in the complaint do not constitute offence of which cognizance has been taken by the Magistrate, it is open for this Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegation therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for this Court to interfere as held in the case of ***SAU. KAMAL SHIVAJI POKARNEKAR Vs. STATE OF MAHARASHTRA & OTHERS - 2019 (14) SCC 350.***

16. As regards the contention that in the disciplinary inquiry conducted against the petitioner, she was discharged of the charges levelled against her is concerned, it is to be stated that the standard of proof in criminal trial and disciplinary proceedings is on different footing.

17. Hence, without expressing any opinion on the merits of the case, it is sufficient to observe that the charge-

sheet material prima facie discloses failure on the part of the petitioner to discharge her supervisory responsibility in relation to the mid-day meal scheme. As such, no ground is made out for exercising the inherent jurisdiction of this Court under Section 482 of the Cr.P.C.

Accordingly, the petition stands dismissed.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS/V