



CNR: KAHC010035252025

NC: 2026:KHC:54744
CRL.P No. 847 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 847 OF 2025

BETWEEN:

CARL ZEISS INDIA PVT LTD.,
A COMPANY REGISTERED UNDER THE
LAWS OF INDIA,
HAVING ITS OFFICE AT
PLOT NO.3, JIGANI LINK ROAD,
BOMMASANDRA INDUSTRIAL AREA,
BANGALORE-560099.
REP. BY ITS AUTHORIZED SIGNATORY
P G MAHALAKSHMI

...PETITIONER

(BY SRI MRINAL SHANKAR AND
SRI DHARMA TEJ KONERU, ADVOCATES)

AND:

THE STATE OF KARNATAKA,
(REP. BY THE LABOUR INSPECTOR),
ANEKAL CIRCLE, ANEKAL, NEW NO.99,
MIRZA ROAD, VINAYAKA NAGAR,
ANEKAL-562106.

...RESPONDENT

(BY SMT. RASHMI PATEL, HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS)
PRAYING TO A.) QUASH THE COMPLAINT DATED FEBRUARY 28,
2023, FILED BY THE RESPONDENT (LABOUR INSPECTOR, ANEKAL)
UNDER SECTION 200 OF THE CRIMINAL PROCEDURE, 1973 R/W
SECTION 26 OF THE CONTRACT LABOUR (REGULATION AND
ABOLITION) ACT, 1970 BEFORE THE LD. IV ADDITIONAL CIVIL
JUDGE AND JMFC, ANEKAL IN C.C. NO. 767/2023 AS CONTAINED IN
ANNEXURE-A AND ETC.

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

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Verified





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CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;
 - a. *Quash the Complaint dated February 28, 2023, filed by the Respondent (Labour Inspector, Anekal) under Section 200 of the Criminal Procedure, 1973 r/w Section 26 of the Contract Labour (Regulation and Abolition) Act, 1970 before the Ld. IV Additional Civil Judge and JMFC, Anekal in C.C No. 767/2023 as contained in **ANNEXURE-A**;*
 - b. *Quash the Order dated February 28, 2023, passed by the Ld. IV Additional Civil Judge and JMFC, Anekal in CC No. 767 of 2023, taking cognizance of the offence punishable under Section 24 of the CLRA Act ("**Impugned Order**") against the Petitioner, as contained in **ANNEXURE-B**;*
 - c. *Quash the entire proceedings against the Petitioner in CC No. 767 of 2023 pending before the Ld. IV Additional Civil Judge and JMFC, Anekal; and*
 - d. *Pass such other order or judgement as the Court may deem appropriate in the interest of justice and equity.*
2. An inspection was carried out by the respondent-Labour Inspector at the premises of the petitioner on 14.11.2022, during which various violations were found to have been committed in respect of the applicable enactments, including Rules 72, 73, 74, 81(3) and 25(v) of the Contract Labour (Regulation and Abolition) Act, 1970, read with the Karnataka

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Contract Labour (Regulation and Abolition) Rules, 1974.

3. In furtherance thereof, an observation note came to be issued on 14.11.2022 itself, followed by the issuance of a show-cause notice dated 23.11.2022, alleging that no reply had been received from the petitioner. Thereafter, the aforesaid complaint came to be filed on 28.02.2023. It is the said complaint, registered as C.C. No.767 of 2023, and the order of cognisance passed therein, which is the subject matter of challenge in the present petition. It is in the aforesaid background that the present petition is being filed.

4. Sri.Mrinal Shankar., learned counsel for the petitioner, submits that;

4.1. The filing of the petition is beyond a period of three months and, as such, is barred under Section 27 of the Contract Labour Regulation and Abolition Act, 1970. His submission is that the period of limitation is required to be calculated from the date of the inspection and not on the date of the show-cause notice issued or any subsequent date on the ground that the show-cause notice was not replied to.

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4.2. His categorical submission is that the time of three months under Section 27 starts from the date of inspection and in this regard, he relies upon the decision of a Co-ordinate Bench of this Court in ***Ben Salmon & Ors., vs. State of Karnataka in Crl.P.No.7371 of 2015 dated 22.03.2026*** more particularly para 2, 7, 8 and 9 thereof, which are reproduced hereunder for easy reference;

2. The allegations made out in the complaint are that on 20.05.2014 around 12.15 p.m. when the complainant visited the establishment of the petitioners i.e., the building called East Point which was under construction in Sy.Nos.87, 88/1, 2 of Bagana Halli, Panathuru Road, Varthur Hobli, Bangalore, the complainant found the violation of the provision of the Act and Rules 23 and 50 of the Interstate Migration of Labour (Employment Regulation and Service Conditions) Rules, 1980 that is to say the register of interstate migrant workers and a report of annual returns which are required to be maintained by the petitioners under the Act and Rules are not produced on demand by the complainant during the course of inspection of the establishment. As such, the petitioners were served with the copy of the notice dated 20.05.2014 calling upon the petitioners to produce the aforesaid document and registers for having rectified the defects mentioned in the inspection notice within 7 days from the date of receipt of the notice for the purpose of examination. There was no response from the petitioners. As such, they were issued with a show-cause notice dated 26.08.2014 requesting to comply the earlier notice. Since there was no reply even to the said notice, a complaint came to be filed for the offences

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punishable under Sections 25 and 26 of the Interstate Migration of Labour (Employment Regulation and Service Conditions) Act, 1979 in C.C.No.2435/2014. To quash the proceeding, this petition is filed.

7. *It is true that as per the proviso to Section 27 where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed. However, what has been issued to the petitioners is not an order, is a show-cause notice which cannot be called as order and therefore the complaint filed by the complainant is barred by limitation and as such the Magistrate ought not to have taken cognizance.*

8. *The decision relied upon by the learned Senior counsel for the petitioners reported in ILR 1985 KAR 3633 in a case of J.U. Prabhu vs. State of Karnataka is rightly applicable. In the aforesaid decision, it is held as under:-*

"CONTRACT LABOUR (Regulation & Abolition) Act, 1970 (Central Act No.37 of 1970) – Section 27 – Mere sending of show cause notice by post cannot be considered as an order having been passed and having been disobeyed to bring complaint within limitation prescribed.

Establishment inspected on 27-2-1985. In respect of irregularities found, Inspection Report-cum show cause notice dated 27-2-1985 sent by Registered Post Complaint filed on 1-6-1985. Contended that complaint was filed beyond period of limitation laid down and proceedings hence bad in law."

9. *In view of the aforesaid decision of this Court the complaint filed after the expiry of period of three months is liable to be quashed. Accordingly, the petition is allowed. The proceedings initiated against the petitioners in C.C.No.2435/2015 on the*

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file of the Metropolitan Magistrate Traffic Court-1, MayoHall, M.G. Road, Bangalore, are hereby quashed. In view of disposal of the petition, I.A.No.1/2015 for stay does not survive for consideration and the same stands disposed of.

4.3. By relying on **Ben Salmon's case**, the submission of the learned counsel for the petitioner is that the proviso to Section 27 would also not be applicable in the present case inasmuch as there is no order which has been passed by the Inspector, but a show-cause notice had been issued on 23.11.2022. It is only if an order is passed that the proviso would be attracted. In the present case, only a show-cause notice having been issued, the time period would commence from the date of inspection, is his submission.

4.4. His further submission is that even the show-cause notice had been replied to by the petitioner on 06.12.2022, which is acknowledged to have been received by the respondent on 06.12.2022. Thus, the said reply has also not been considered. His submission is that in the reply, the petitioner has categorically indicated that all compliances which have been made and the complied

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registers and forms have been enclosed along with the said reply.

4.5. On the above basis he submits that the above petition is required to be quashed.

5. Learned HCGP would also seek to invoke the proviso to Section 27 by contending that once the inspection was carried out, a show-cause notice had been issued on 23.11.2022, and it is in order to comply with the principle of natural justice that time was granted to the petitioner to reply to the said show-cause notice. Since the reply had not been received. The complaint was filed on 28.02.2023, which is within 3 months from the reasonable time granted to the petitioner to reply to the show-cause notice. On that ground, she submits that the above petition is required to be dismissed and the matter proceeds to trial.
6. Heard Sri.Mrinal Shankar., learned counsel for the petitioner and Smt.Rashmi Patel., learned HCGP for respondent. Perused papers.
7. The short question that would arise for consideration is;

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"From what date the limitation period under Section 27 of the Contract Labour (Regulation and Abolition) Act, 1970 is required to be calculated?"

8. Section 27 has been reproduced hereunder for easy reference;

27. Limitation of prosecutions.—

No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

9. A plain reading of the substantive provision contained in Section 27 makes it clear that the provision operates as a bar against a Court taking cognisance of an offence punishable under the Act unless the complaint is made within three months from the date on which the alleged commission of the offence came to the knowledge of the Inspector. The expression employed by the Legislature is categorical: the period of three months is to be reckoned from the date on which the alleged commission of the offence "came to the knowledge of an inspector".

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10. In the present case, the alleged violation came to the knowledge of the Inspector upon inspection conducted on 14.11.2022. Consequently, the period of limitation prescribed under the substantive part of Section 27 would commence from 14.11.2022. The complaint, therefore, was required to be made within three months from the said date. Once the said period expired, in the absence of the proviso being attracted, the statutory bar under Section 27 would operate, and the Court would have no jurisdiction to take cognisance of an offence under the Act.
11. The proviso to Section 27 carves out a specific and limited exception to the substantive provision. It provides for a period of six months where the offence consists of disobeying a written order made by an Inspector. The language of the proviso is significant. The extended period of limitation is not available in respect of every offence which comes to the knowledge of an Inspector; it is attracted only where the offence complained of consists of disobedience of a written order made by the Inspector.
12. Thus, for the proviso to be attracted, there must necessarily be, in the first instance, a written order issued by the Inspector requiring the person or

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establishment concerned to do or refrain from doing something, followed by a failure or refusal to comply with such order. It is the subsequent disobedience of that written order which constitutes the offence contemplated by the proviso and, consequently, gives rise to the extended period of six months.

13. A show-cause notice cannot, be equated with a written order contemplated under the proviso. A show-cause notice merely calls upon the person concerned to explain or show cause as to why action ought not to be taken. It does not, by itself, constitute a final direction or command requiring compliance. The issuance of a show-cause notice, therefore, cannot have the effect of postponing or extending the period of limitation prescribed under the substantive part of Section 27.
14. The distinction assumes significance in the facts of the present case. If, upon inspection, the Inspector were to find a violation and thereafter issue a written order directing the concerned establishment or person to comply with specified requirements, the failure to comply with such written order could constitute the offence contemplated by the proviso. In such a case, the complaint alleging disobedience



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of the written order would be governed by the six-month period contemplated under the proviso. However, where the Inspector merely issues a show-cause notice seeking an explanation in respect of an alleged violation, the proviso would not stand attracted.

15. This interpretation is also consistent with the view taken by a Coordinate Bench of this Court in ***Ben Salmon***, wherein it has been held that the benefit of the extended period under the proviso is available only where there is disobedience of a written order of the Inspector. A show-cause notice, not being an order of the nature contemplated by the proviso, cannot enlarge the period of limitation prescribed under the substantive provision of Section 27.
16. Applying the aforesaid principles to the facts of the present case, the inspection was conducted on 14.11.2022, on which date the alleged violation came to the knowledge of the Inspector. The show-cause notice was thereafter issued on 23.11.2022. Even assuming that the petitioner/respondent submitted his reply to the show-cause notice on 06.12.2022, the issuance of the show-cause notice and submission of the reply would have no bearing

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on the commencement of limitation under Section 27.

17. The limitation, therefore, commenced from 14.11.2022. The complaint came to be filed only on 28.02.2023. The complaint was thus instituted beyond the period of three months prescribed under the substantive part of Section 27. Since there was admittedly no written order of the Inspector, the disobedience of which forms the basis of the alleged offence, the proviso to Section 27 is not attracted.
18. Consequently, the six-month period contemplated under the proviso cannot be invoked to sustain the complaint. The issuance of the show-cause notice dated 23.11.2022 does not postpone the commencement of limitation, nor does the reply thereto give rise to a fresh period of limitation. The complaint, having been filed beyond three months from the date on which the alleged commission of the offence came to the knowledge of the Inspector, was barred by limitation under Section 27 of the Act. The learned Magistrate, therefore, could not have taken cognisance of the alleged offence.
19. In that view of the matter, this Court passes the following;

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ORDER

- i. Criminal petition is ***allowed.***
- ii. The Complaint dated 28.02.2023 filed by the Respondent-Labour Inspector, Anekal under Section 200 of the Criminal Procedure, 1973 r/w Section 26 of the Contract Labour (Regulation and Abolition) Act, 1970 before IV Additional Civil Judge and JMFC, Anekal in C.C No.767/2023 at Annexure-A, is quashed.
- iii. The order dated 28.02.2023 passed by IV Additional Civil Judge and JMFC, Anekal in CC No.767 of 2023 against the Petitioner at Annexure-B, is quashed.
- iv. The entire proceedings in CC No.767 of 2023 pending before IV Additional Civil Judge and JMFC, Anekal insofar as petitioner is concerned, is quashed.

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(SURAJ GOVINDARAJ)
JUDGE

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