



CNR: KAHC010207902020

NC: 2026:KHC:53019
CRL.P No. 3388 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.3388 OF 2020

BETWEEN:

1. SRI. BASAVARAJU,
S/O CHIKKANNA,
AGED ABOUT 56 YEARS,
R/O KURUVANKA VILLAGE,
BANAVARA HOBLI, ARASIKERE TALUK,
HASSAN DISTRICT-573103.
2. SRI. K.N. SATHISHA,
S/O NINGAPPASETTY,
AGED ABOUT 43 YEARS,
R/O ARAVINDANAGARA,
BASAVANAHALLI, CHIKKAMAGALUR-577101.
3. SRI. DINESHA,
S/O SIDDASETTY,
AGED ABOUT 50 YEARS,
R/O NEAR SHRILAKHA MOVIE THEATRE,
BASAVANAHALLI, CHIKKAMAGALUR-577101.
4. SRI. NAGESH K.S.,
S/O SHANKARASETTY,
AGED ABOUT 33 YEARS,
R/O ARAVINDANAGARA,
BASAVANAHALLI, CHIKKAMAGALUR-577101.

...PETITIONERS

(BY SRI. THILAK RAJ S.V., ADVOCATE FOR
SRI. H.N. BASAVARAJU, ADVOCATE)

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Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE BY INSPECTOR OF POLICE,
CHIKKAMAGALUR RURAL POLICE STATION,
CHIKKAMAGALUR,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. NANDA KUMAR,
THE TAHSILDAR,
CHIKKAMAGALUR TALUK,
CHIKKAMAGALUR-577101.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, HCGP FOR R1 AND R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 16.05.2020 FILED BY RESPONDENT NO.2 AGAINST THE PETITIONERS BEFORE RESPONDENT NO.1 POLICE AND THE FIR NO.135/2020 DATED 16.05.2020 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 3 AND 7 OF ESSENTIAL COMMODITIES ACT ON THE FILE OF RESPONDENT NO.1 INSPECTOR OF POLICE, CHIKKAMAGALURU RURAL POLICE STATION, CHIKKAMAGALURU, PENDING ON THE FILE OF I ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C., CHIKKAMAGALURU.

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



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CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for the respondents.

2. The prayer sought in this petition is to quash the complaint dated 16.05.2020 filed by respondent No.2 against the petitioners before respondent No.1 and the FIR in Crime No.135/2020, for the offence punishable under Sections 3 and 7 of the Essential Commodities Act, 1955 ('the said Act' for short), pending on the file of I Additional Senior Civil Judge and JMFC, Chikkamagaluru, and to pass appropriate order as deemed fit in the circumstances of the case.

3. The factual matrix of the case of the complainant/respondent No.2 is that, on 16.05.2020 at 8.00 a.m., he received the information over the phone that in a godown belonging to the Karnataka State Food and Civil Supplies Corporation at Gowdanahalli Village in Chikkamagaluru Taluk, stocked rice were lifted to the lorry with an intention to



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transport the same illegally. On receipt of the phone call, one Sri Prakash A.S., Food Inspector, unofficial ration area, Chikkamagalur Taluk and others i.e., Revenue Inspector, Village accountant were called upon to his office and instructed to prepare to conduct a raid on the place concerned. Immediately respondent No.2 and other co-officials have reached the village and conducted the raid at 8.45 a.m., wherein one Sri Kenchegowda S/o Dasegowda, Adhyaksha of the Ambale Village Panchayath and one Mohan S/o Manjegowda, who happens to be the residents of the same village, were requested to accompany them to assist and being the panchas to conduct the raid. Accordingly, they went and reached the place which is godown No.5 belonging to the KSFC, wherein they have seized by the side of the godown, rice bags which were being loaded to the lorry bearing No.KA-11-G-7979. Upon witnessing them, the lorry driver ran away from the place. According to the complainant, they entered inside the godown and there were about 4 persons and they were filling the rice to the jute plastic bags and upon stitching, they were loading those bags to the lorry. Their names were also



enquired. One Basavaraju/accused No.1, who happens to be the Manager of the godown was enquired and no permission was granted to remove the rice from the jute bags to fill the same to the plastic bags and also no permission to transport the same. Hence, conducted the mahazar and 65 bags were loaded to the lorry each bag containing 50 kgs. and about 177 bags were ready, in all totally it comes to about 242 bags which totally consisting of 12,100 kgs. of rice which was valued at about Rs.3,38,800/-. While conducting the raid, they also seized the vacant jute bags and taken the custody of 142 bags by drawing the mahazar and hence, invoked the offences under Sections 3 and 7 of said Act.

4. Based on the complaint given by respondent No.2, respondent No.1 registered the case in Crime No.135/2020 and hence, the present petitioners have approached this Court.

5. The main contention of the learned counsel for the petitioners is that the very registration of the case is abuse of process and also contend that Section 11 of the Act is relating to cognizance of offences and the said provision says that no



Court shall take cognizance of any offence punishable under this Act, except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in Section 21 of the IPC. In the light of the aforesaid provision, only such authority as notified by the Central Government or by the State Government, alone is empowered to invoke the powers under the Act. It is also contended that when the State Government itself is exercising its functions by virtue of delegation of power under Section 5 of the Act delegating certain powers to a particular authority, the said authority alone is empowered to make a complaint. Therefore, respondent No.2 is not a competent officer or authority to lodge a complaint upon invoking alleged contravention of the provisions of the Act. Even assuming but not conceding, that if any authorization is extended in favour of respondent No.2 by the Collector or the Deputy Commissioner, have no consequences because the delegate cannot delegate his power under the concept of power of sub-delegation, as it is void in law. The learned counsel would contend that the Tahsildar



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conducted the raid and thereafter, the complaint was given to the police and case was registered.

6. The learned counsel in support of his argument relies upon the judgment passed by this Court in **Crl.P.No.101066/2023** dated 16.05.2023, wherein the Police Inspector himself had conducted the raid and brought to the notice of this Court that when cognizable offence was committed, this Court also considered that the police officer ought to have registered the case and then proceeded to the spot and relies upon paragraph No.15 of the judgment of the Apex Court in the case of **LALITHA KUMARI v. STATE OF U.P.** reported in **(2014) 2 SCC 1**. The learned counsel would contend that the Tahsildar ought not to have conducted the raid and seized the PDS rice bags.

7. Per contra, the learned High Court Government Pleader appearing for the respondents in his arguments would vehemently contend that it is very clear that on credible information, the Tahsildar secured the Food Inspector, Village Accountant, the Revenue Inspector and also two panchas and



went to the spot, wherein the driver of the vehicle on seeing them, ran away from the spot and they found 4 persons who were loading the rice bags to the vehicle and 177 bags were yet to be loaded. In all 242 rice bags were found worth of Rs.3,38,800/-/- and this report is given to the Police Inspector on 16.05.2020. Based on the same, case is registered. The learned counsel would contend that even mahazar was conducted at the time of raid and the contention that no such mahazar was conducted cannot be accepted.

8. Having heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for the respondents, at the first instance, an argument was made before this Court by the learned counsel for the petitioners that the Tahsildar has no power and even in the petition also it is stated that the Tahsildar is not having any authority. This Court would like to rely upon the Karnataka Essential Commodities (Public Distribution System) Control Order, 1992. Regulation 19(1) is very clear that the Director of Food and Civil Supplies, the Joint Directors of Food and Civil Supplies, or the Tahsildar of a taluk, the authorized authority or any other



officer of the Department of Food and Civil Supplies not below the rank of a Food Inspector within their jurisdiction may with such assistance, if any, as he thinks fit and if he has reason to believe that there is or has been any contravention of the provisions of this order or with a view to securing compliance with this order or to satisfying himself that there is or has been any contravention of the order can conduct the search and seize. The same is also taken note of by this Court in the order dated 26.09.2022 passed in Crl.P.No.7648/2019, wherein in paragraph No.5 also discussed with regard to the same and also the provisions of Section 100 of Cr.P.C. In paragraph No.7 also taken note of that it is only after the Tahsildar, who visited the spot, on verification of the rice found in the vehicle, being of the opinion that the said rice belongs to the public distribution system that the provisions of Sections 3 and 7 of the Act were invoked. The search of the rice and seizure of the rice were made by the Tahsildar, who is authorized under Regulation 19(1) of the PDS Order.

9. This Court in its judgment in Crl.P.No.101879/2025 dated 20.06.2025, wherein similar issue was raised, extracted



Regulation 19 of the PDS Order, wherein in regulation 19(b) powers are given to enter, inspect or break open and search any place or premises. Having considered Regulation No.19(1), it is very clear that powers are vested with the Tahsildar. The judgment which has been relied upon by the learned counsel for the petitioners is not applicable to the facts of the case, wherein the Police Inspector conducted the raid and to that effect referred the judgment of **Lalitha Kumari** case (supra), wherein the Apex Court says that when the cognizable offence was committed, it is mandatory for registration of the case. But that facts and circumstances of the said case is not applicable to the case on hand.

10. The other contention of the learned counsel for the petitioners that no spot mahazar was conducted cannot be accepted. The material is very clear that not only conducted the raid, but spot mahazar was drawn and seized 242 bags of rice and 65 bags were already loaded to the lorry and 177 bags were ready to be loaded. When such material is available on record, the very contention of the learned counsel for the petitioners that it is a fit case to exercise the power under



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Section 482 of Cr.P.C. to quash the proceedings cannot be accepted.

11. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 7