



CNR: KAHC010329492020

NC: 2026:KHC:52069
CRL.P No. 6044 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 6044 OF 2020 (482(Cr.PC)
/ 528(BNSS))

BETWEEN:

1. SRI BALRAM SINGH YADAV
MANAGING DIRECTOR
GODREJ TYSON FOODS LIMITED
FACTORY
SY NOS.77/1, 83/1, 84/1
JANGAMANAKOTE ROAD
DODDAHULLUR VILLAGE
HOSKOTE, BANGALORE -14
2. SRI M V ANAND
GODREJ TYSON FOODS LIMITED
FACTORY MANAGER
SY NO.77/1 , 83/1, 84/1
JANGAMANAKOTE ROAD
DODDAHULLUR VILLAGE
HOSAKOTE
BANGALORE - 14.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. PRADEEP KUMAR J., ADVOCATE)

AND:

STATE OF KARNATAKA
AT THE INSTANCE OF
MR NARASIMHA MURTHY S A
SENIOR ASSISTANT DIRECTOR OF FACTORIES
(AN INSPECTOR APPOINTED UNDER SECTION 8(1))



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OF THE FACTORIES ACT, 1948)
BANGALORE DIVISION - 10
KARMIKA BHAVANA
2ND FLOOR, DIARY CIRCLE
BANNERGHATTA ROAD
BANGALORE - 560 029.

...RESPONDENT

(BY SRI. SUHAS GOWDA M., HCGP)

THIS CRIMINAL PETITION IS FILED U/S.482 CR.P.C
PRAYING TO QUASH THE COMPLAINT AT ANNEXURE-K AND
THE ORDER DATED 12.12.2019 TAKING COGNIZANCE OF THE
OFFENCES ALLEGED IN C.C.NO.2701/2019 AS PER ANNEXURE-
A ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C.,
HOSAKOTE.

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

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

ORAL ORDER

1. Heard learned counsel appearing for petitioners and also learned HCGP for the respondent-State.
2. The prayer is sought for quashing of initiation of the proceedings against the accused Nos.1 and 2 and prayed this Court to quash the complaint at Annexure-K and order dated 12.12.2019 taking



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cognizance of the offences alleged in C.C.No.2701/2019 as per Annexure A on the file of the Principal Civil Judge and JMFC, Hosakote, Bengaluru Rural and pass such other orders.

3. The main contention of the learned counsel appearing for the petitioner that contract labourer Mr.Shivaram Maharana met with an accident on 06.11.2013 while working on a Meat Mincer Machine, where he lost his left hand. The date of investigation by the respondent was on the very next day i.e., on 07.11.2013 and intimation to police by the petitioners regarding the industrial accident and Form No.17 issued to the respondent on 08.11.2013.
4. The respondent have issued a show cause notice on 11.12.2013 and statement of witnesses taken by the petitioner. Reply of the petitioners to the show cause notice dated 24.01.2014. But respondent filed a complaint before the Civil Judge Junior Division and JMFC-Hosakote and registered case in



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C.C.No.2701/2019 on 17.02.2014 as per Annexure-A.

5. Learned counsel for petitioners also brought to notice of this Court order dated 12.12.2019 taking cognizance of the offence. Since earlier this Court in Criminal Petition No.4415/2016 quashed the cognizance order dated 22.04.2014 and remanded the matter to learned Magistrate for fresh consideration vide order dated 05.08.2019.
6. The main contention of the learned counsel appearing for the petitioners is that company has not been made as party/accused in the complaint and complaint is filed against the petitioner in an individual capacity as occupier, that is accused No.1 and accused No.2 is the Manager. And so also the learned counsel would submit that when the showcase notice was issued and reply was given and the same was not considered and no order was passed, instead directly approached the Magistrate and if the reply was considered, there is a provision



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to file an appeal under Section 107 of the Factories Act and even filing of criminal complaint without resorting to other remedies and also without arraigning the company as party to the proceedings there cannot be any proceedings against the petitioners, that too in an individual capacity, who have been arraigned as occupier and manager. Learned counsel in support of his submissions also produced list of citations (26 in number) and also brought to the notice of this Court the issue involved between the parties is considered in the case of ***George Alexander Muthoot Vs The State of Karnataka***, wherein at paragraphs 9 and 10 this Court comes to the conclusion that when the petitioners have given reply to the showcase notice and the same has not been considered and where an endorsement is made stating that compliance report is not satisfactory and no reason has been assigned why it is not satisfactory. Except making an endorsement on the reply itself, the respondent has



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not passed the detailed order and ought to have considered the reply and specifically mentioned why the compliance report is not satisfactory and so also in paragraph 10 taken note of when the company is not arraigned as party to the proceedings, only managing director has been made as a party to the proceedings and this Court in Criminal Petition No.5439 of 2008, when the matter has been arisen for non-compliance of the provisions of Minimum Wages Act, 1948 and other rules, held that without arraigning the company as accused, the essential requirement of Section 22C is being absent, the proceedings initiated against the director or employee is not sustainable. In this case also the Managing Director is made as party to the proceedings and the petitioner in his petition has specifically contended that the Managing Director sits at Kerala and other persons who are taking care of the company have not been made as party to the



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proceedings and company is also not made as party to the proceedings.

7. Having taken note of the said factual aspects and other judgments which have been relied also in a similar set of facts, comes to the conclusion that without company arraigned as an accused and there cannot be any prosecution in not complying Section 141 of the Negotiable Instruments Act and the law is also settled with regard to the said aspect is concerned. Hence prayed this Court to quash the same.
8. Per contra, learned HCGP does not dispute the issue involved between the parties and also show cause notice given and reply given and no order having been passed by the concerned in respect of the show cause notice and reply, approached the Magistrate by filing a complaint. It is also noticed by this Court that earlier the learned Magistrate without application of his judicious mind issued the summons to the



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accused and made an observation that without taking the cognizance, an order has been passed.

9. Learned counsel for petitioners also brought to the notice of this Court yet again that the trial Court passed an order without considering the documents and even the contents of the complaint. Only reference is made that on perusal of the complaint there appears material to proceed against the accused for the offence punishable under Section 92 of the Factories Act. The very reason given by the learned Magistrate except mentioning on perusal of the complaint, even did not look into the contents of the complaint and documents which have been produced along with the complaint. An order is passed that cognizance is taken under Section 190(1)(a) of Cr.P.C for the offences punishable under Section 92 of the Factories Act.
10. Proceedings without arraigning the company as party cannot be continued in the individual capacity of the occupier as well as the manager and having taken



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note of the said fact into consideration and non application of mind by the trial Court, once again matter is remanded to the trial Court to consider the matter afresh in view of the observations made by this Court.

11. Regarding filing of private complaint without arraigning the company as party is also a curable defect and company can be arraigned as a party in the complaint and can proceed against the company as well as the persons who are in helm of affairs of the company and Court has to take note of the circumstances in a case of this nature. Admittedly the person who was in the factory and working in the factory had met with an accident and lost his left hand and the same also should have been taken note of by the trial Court while proceeding in the matter.
12. Learned counsel appearing for petitioners also brought to notice of this Court that an opportunity is not given to redress their grievance under Section 107 of the Factories Act and when such ground is



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also urged before this Court, it is left to the respondent to redress the grievance under Section 107 of the Factories Act and also brought to the notice of this Court in view of the observations made by this Court earlier, no order has been passed and hence the authority has to take a decision with regard to considering the show cause notice as well as reply and pass appropriate order and the issue of limitation also could be considered, if any such grievances are urged before the authority. With that observation, the following:

ORDER

- (i) Petition is allowed.
- (ii) Impugned order dated 12.12.2019 passed by the trial Court is set aside.
- (iii) Liberty is given to the complainant to pursue the remedy in accordance with law in view of observations made by this Court and also concerned authority is directed to consider the reply given by the petitioners



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herein and pass appropriate order and also
opportunity be given to redress the grievance under
Section 107 of the Factories Act, if situation arises.

Sd/-
(H.P.SANDESH)
JUDGE

SBN
List No.: 1 Sl No.: 9