



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 9868 OF 2022

BETWEEN:

1. MR C A ANZAR
S/O MOHAMMED HNEEF
AGE ABOUT 49 YEARS
DIRECTOR COM OCCUPIER
M/s OLIVE LIFE SCIENCES PVT. LTD.,
NO.38/2, JAKKASANDRA VILLAGE,
NELEMANGALA TALUK,
BANGALORE RURAL DISTRICT - 562 123.

PRESENTLY R/AT NO.564,
1ST MAIN, 3RD BLOCK,
RMV EXTENSION, DOLLORS COLONY
CHIKKAMARANAHALLI,
BANGALORE - 560 094.

2. MR. M.V. JOSEPH
S/O LATE VERKEY
AGED ABOUT 58 YEARS
M/s OLIVE LIFE SCIENCES PVT. LTD.,
NO.38/2, JAKKASANDRA VILLAGE,
NELEMANGALA TALUK,
BANGALORE RURAL DISTRICT - 562 123.

PRESENTLY RESIDING AT
PLOT NO.3, ABBIGERE VILLAGE
CHIKKABANAVARA POST
BANGALORE - 560 090.

...PETITIONERS

(BY SRI DHARMAPAL, ADVOCATE)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



AND:

THE STATE OF KARNATAKA
AT THE INSTANCE OF
SRI. THIMMARAJAU V.,
DEPUTE DIRECTOR OF FACTORIES
DIVISION NO.1,
BANGALORE RURAL - 562 123.
(AN INSPECTOR APPOINTED
U/S 8(1) OF FACTORIES ACT 1948)

...RESPONDENT

(BY SMT. SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE
FOR THE PETITIONER PRAYING THAT THIS HONBLE COURT
MAY BE PLEASED TO QUASH THE COMPLAINT FOR THE
OFFENCE P/U/S.92 OF FACTORIES ACT FILED BY THE
RESPONDENT AGAINST THE PETITIONER AS PER
C.C.NO.4959/2020 WHICH IS PENDING ON THE FILE OF THE
LEARNED II ADDITIONAL CIVIL JUDGE AND JMFC AT
NELAMANGALA BENGALURU RURAL DISTRICT.

THIS PETITION, COMING ON FOR HEARING ON IA., THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



ORAL ORDER

Challenging proceedings in CC no.4959/2020 on file of II Additional Civil Judge and JMFC at Nelamangala, Bangalore Rural District, for offence punishable under Section 92 of Factories Act (**Act**), this petition is filed.

2. Sri Dharmapal, learned counsel for petitioners submitted that petition was by accused no.1 and 2 in a private complaint filed by Deputy Director of Factories, Bengaluru, alleging that when he visited factory, M/s.Oilve Life Sciences Private Limited on 15.06.2020, where he learnt that one worker by name Chandrashekar had fallen down from ladder/stairs attached to boiler on 16.05.2020 at 03.30 p.m. while he was de-scaling it and sustained injuries on his legs. During investigation it was informed that a contract work permit was given for boiler de-scaling and annual service to M/s Star Engineering Works with one Dastagir as proprietor and Chandrasekhar, injured worker had entered factory on 16.05.2020 at 02.30 p.m. and began work of de-scaling of boiler. It was stated that report in Form 17 was submitted by occupier on 22.06.2020. After visiting residence of injured worker on 04.07.2020 and recording his statement, it was



found that occupier of factory had failed to adopt safety measures as required under Section 32(a) of Act and committed offence under Section 92 of Act.

3. It was submitted that with regard to same incident, Crime no.67/2020 was registered by Nelamangala Rural Police Station for offence punishable under Section 338 of Indian Penal Code, 1860 and charge sheet was filed in CC no.5896/2020. Alleging that prosecution of petitioners in respect of same incident both under provisions of Indian Penal Code as well as under Factories Act amounted to double jeopardy, petitioners were seeking for quashing of proceedings under Factories Act. In support of said contention, learned counsel relied upon decision of this Court in **Ananthakumar and Another v. State of Karnataka and Another** reported in **2019 SCC OnLine, Kar 4012**, as well as CrI.P. no.200662/2024 [2024:KHC-K:7760] (GV Prasad's case). It was contended that under similar circumstances this Court had quashed proceedings and sought for following same.

4. It was submitted that outpatient card issued by BGS Global Institute of Medical Sciences and Hospital, Bengaluru,



would indicate that history of alleged injury as due to self-fall from ladder at his residence, would gravely contradict claim of respondent-complainant that incident had occurred within factory premises. It was lastly contented that injured Chandrashekar was an employee of contractor M/s.Star Engineering Works and not an employee of M/s Olive Life Sciences Private Limited and therefore prosecution of petitioners would amount to abuse of process of law and sought for quashing.

5. Smt.Sowmya R, learned HCGP on other hand opposed petition. It was submitted that this Court in **Ananthakumar** as well as **GV Prasad**'s case had held that in case of initiation of proceedings both under provisions of Factories Act as well as under IPC in respect of same incident, proceedings under Penal Code would have to give way. It was submitted that contentions insofar as occurrence of incident at residence of worker as well as injured not being an employee of petitioner company would be matters for trial and cannot be considered at this stage as Form no.17 was submitted by M/s.Olive Life Sciences Pvt. Ltd. on 22.06.2020 showing place of incident as



within factory premises. On above grounds sought for dismissal.

6. Heard learned counsel and perused material on record.

7. This petition is by accused no.1 and 2 challenging proceedings initiated by respondent under provisions of Factories Act. Insofar as first contention about proceedings being in duplication of proceedings initiated for offences punishable under Indian Penal Code and leading to double jeopardy, indeed as submitted by learned counsel for petitioners, this Court in **Ananthakumar** as well as **GV Prasad**'s case has held same to be not permissible. However, referring to ratio laid down by Hon'ble Supreme Court in case of **T. Barai v. Henry Ah Hoe And Another** reported in **(1983) 1 SCC 177**, it is held that in case of prosecution permissible both under general provisions of an enactment and a later enactment specifically dealing with such matters, prosecution under provisions of special enactment would be deemed to have substituted and prosecution under provisions of general enactment would have to give way. Ratio would not benefit petitioners herein as petitioners are challenging prosecution under special enactment i.e., the Factories Act and therefore



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would require rejection insofar as contentions about incident having occurred at residence of worker and injured not being an employee of petitioners, bare perusal of complaint would indicate that Form 17 was submitted by none other than M/s.Olive Life Sciences Pvt. Ltd. Petitioners would at best save such contention for trial and same cannot be considered at this stage. Reserving liberty to petitioners to urge all contentions, petition is **dismissed** as devoid of merit.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 SI No.: 10