



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 8164 OF 2019

BETWEEN:

1. MR. MOHAN BABU
MANAGER,
AGED ABOUT 49 YEARS,
M/S MYLAN LABORATORIES LIMITED,
SFF, NO.284/BI,
BJLR INDUSTRIAL AREA,
JIGANI HOBLI, ANEKAL TALUQ,
BENGALURU - 560 105.
2. MR. RAKESH BAMZAI
OCCUPIER AND MANAGING DIRECTOR,
M/S MYLAN LABORATORIES LIMITED SFF,
NO.284/BI, BJLR INDUSTRIAL AREA,
JIGANI HOBLI, ANEKAL TALUK,
BENGALURU - 560 105.

...PETITIONERS

Digitally signed
by ANUSHA V (BY SRI SHRIKARA P.K., ADVOCATE FOR
Location: High Court of Karnataka
SRI GEORGE JOSEPH, ADVOCATE)

AND:

STATE OF KARNATAKA
AT THE INSTANCE OF
SRI NARAYANAPPA T.V.,
DEPUTY DIRECTOR OF FACTORIES
(AN INSPECTOR APPOINTED
UNDER SECTION 8(1) OF
FACTORIES ACT, 1948)
BENGALURU
DIVISION-3, 2ND FLOOR,
KARMIKA BHAVAN,
BANNERGHATTA ROAD,



BENGALURU - 29.
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA.

...RESPONDENTS

(BY SMT.SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE IMPUGNED ORDER DATED 21.12.2018 (ANNEXURE-B) PASSED IN C.C.NO.748/2019 BY THE HONBLE COURT I ADDITIONAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, ANEKAL, AT ANEKAL TAKING COGNIZANCE OF THE CASE AGAINST THE PETITIONERS FOR THE ALLEGED VIOLATIONS UNDER RULE 84 OF THE KARNATAKA FACTORIES RULE AND SECTION 7A(2)(a) OF THE FACTORIES ACT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 21.12.2018 passed by Addl. Civil Judge & JMFC, Anekal in CC no.748/2019, for offences punishable under Sections 7A(2)(a) of Factories Act, 1948 (**Act**) read with Rule 84 of Karnataka Factories Rules, 1969 (**Rules**) for quashing of complaint, this petition is filed.

2. Sri Shrikara P.K., learned counsel appearing for Sri George Joseph, advocate for petitioners submitted that petitioners were accused no.1 and 2 in a complaint filed by



respondent at Annexure-A. In complaint, it was alleged that accused were Director and Manager of M/s.Mylan Laboratories Ltd., at no.284/B1, BJLR Industrial Area, Jigani Hobli, Anekal Taluk, Bangalore, a factory registered under Act. Said factory was in business of manufacturing pharmaceutical formulations and employed 884 workers including 134 contract workers for its day-to-day activities. It was submitted, Form no.17 was submitted on 28.08.2018, reporting that an incident had occurred in premises at 4:50 pm on 25.08.2018, wherein a contract worker namely Hanumanthappa, aged 37 years, employed by M/s.DTSS Contractor, Bommasandra, as helper while shifting cupboard from ladies change room sustained crush and auto amputation of his left hand little finger when interlocking door closed while he had kept his left hand between doors. On completion of investigation and concluding that incident would not have occurred if instead of adopting rapidly closing interlocking doors, occupiers had provided spring action slow closing doors which amounted to contravention of Rule 84 of Rules read with Section 7A(2)(a) of Act and offence under Section 92 of Act, complainant sought action.



3. It was submitted, on 21.12.2018, learned Magistrate took cognizance of offences without application of mind as to whether incident in question would attract offences alleged. It was submitted, Schedule-M to Act contained prescriptions i.e., Good Manufacturing Practices and Requirement of Premises, Plants and Equipment for Pharmaceutical Products. Same prescribed automatic closing doors with interlocking system along with visual and audible warning system to prevent opening of more than one door at a time. Complaint itself would indicate that premises in question had complied with said requirements. It was submitted, incident occurred when worker had kept his hand on edge of wooden door frame and failed to remove it when it closed. It was therefore submitted that in absence of prescription of a spring action slow closing door, invocation of alleged offence against petitioners would be illegal and abuse of process of law.

4. It was also contented that worker in question was employed by M/s.DTSS Contractor to whom activity of cleaning, housekeeping, assisting operators etc. i.e., incidental jobs were assigned by Occupier and as such worker was not a direct employee of Occupier. Therefore, prosecution of petitioners



under provisions of Act or Rules would not be justified and on said grounds, sought for allowing petition.

5. In support of his submission, he relied upon decision of this Court in ***MV Ramdas v. The State of Karnataka*** (Crl.P.no.5446/2009 disposed of on 27.09.2013) and ***Ramachandra v. AR Vijendra*** reported in ***ILR 1994 KAR 2437***.

6. Without prejudice to contention, learned counsel fairly submitted that even in absence of prescription either under Act or Rules or any order of respondents, petitioner would adopt measures for warning about fast closing doors to avoid future risks.

7. Smt.Sowmya R., learned HCGP for respondent, on other hand, would oppose petition. It was submitted, Section 7A(2)(a) and (d) mandated maintenance of plants and systems of work in factory that are safe and without risk to health of workers. Rule 84 of Rules prescribed that no process of work shall be carried on in any factory, in such manner as to cause risk or risk of bodily injury. It was submitted, adoption of rapidly closing automatic interlocking doors, posed risk of injury



to workmen traversing door and hence same would be an offence as alleged. Insofar as contention about worker being contract employee, learned counsel referred to definition of 'worker' under Section 2(l) of Act and submitted even such employees would be workers. There being no dispute about occurrence of incident, there were no good grounds for quashing.

8. Heard learned counsel, perused impugned order and material on record.

9. This petition is by occupier of premises namely, M/s.Mylan Laboratories Ltd., a factory manufacturing Pharmaceutical formulations. There is no dispute about occurrence of an incident on 25.08.2018 at 2:00 pm, when Hanumanthappa, a contract worker was carrying cupboards for shifting from ladies change room and while passing through corridor entry/exit door had kept his left hand on edge of door frame which was caught in automatically closing interlocking doors resulting in auto-amputation of his left little finger. Said incident was reported to complainant by submitting Form 17. Complaint is filed after complainant visited premises and noticed during investigation that adoption of spring action slow



closing door would have prevented accident and therefore occupiers were liable.

10. This Court in ***MV Ramdas***'s case (supra), held that in absence of prescription under Rules about safety measures, prosecution of occupier could not be sustained for failure to adapt unprescribed safety measure. Prescriptions insofar as pharmaceutical industry are in Schedule-M to Act. Relevant provisions prescribe occupier to provide interlocking door system with visual and audible warning to avoid opening of both doors. Admittedly, complaint does not allege violation of said prescription. There is no specific provision prescribing on spring action and slow closing automatic doors. There are no allegations about lack of audio or visual warning. In light of above and taking cue from ratio in ***MV Ramdas***'s case (supra), prosecution of occupiers would be illegal if not amounting to abuse of process of law.

11. In view of above, without requirement of examining of other contentions about worker in question not being an employee or worker and not answering definition of 'worker' under Act, petition would succeed.



12. In view of above, petition is ***allowed***, order dated 21.12.2018 passed by Addl. Civil Judge & JMFC, Anekal in CC no.748/2019, for offences punishable under Sections 7A(2)(a) of Act read with Rule 84 of Rules for quashing of complaint, insofar as petitioners are *quashed*.

This Court records appreciation for undertaking of occupier/petitioners' factory that appropriate measures would be taken to avoid similar accidents in future.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV
List No.: 1 Sl No.: 30