HC-KAR
NC: 2026:KHC:61466
CRL.P No. 1361 of 2021
CNR: KAHC010067602021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1361 OF 2021

BETWEEN:

1. SMT. BYRAMMA H.R.,
PROPRIETRIX
M/S SREE LAKSHMI VENKATESHWARA ENTERPRISES
W/O SRINIVAS
AGED ABOUT 42 YEARS
R/AT NO.5/3, 15TH MAIN ROAD
4TH BLOCK, NANDINI LAYOUT
BENGALURU-560096.

...PETITIONER

(BY SRI. ABHIJEET S.K. RAI, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE BY THIRTHAHALLI POLICE STATION
SHIVAMOGGA DISTRICT
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 061.

2. DR. NATARAJ K.S.,
CHIEF MEDICAL OFFICER
S.J.C. GOVERNMENT HOSPITAL
THIRTHAHALLI
SHIVAMOGGA DISTRICT-577432.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1 AND R2
[VIDE ORDER DATED 12.08.2025])

CNR: KAHC010067602021

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.12/2021 PENDING ON THE FILE OF PRL. CIVIL JUDGE (SR.DN) AND CHIEF JUDICIAL MAGISTRATE, THIRTHAHALLI, SHIVAMOGGA DISTRICT, REGISTERED BY THE FIRST RESPONDENT POLICE STATION, AGAINST THE PETITIONER/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 403 AND 420 OF IPC.

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

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

ORAL ORDER

Heard learned counsel for the petitioner and the learned High Court Government Pleader for respondent Nos.1 and 2.

2. The prayer is sought for quashing FIR in Crime No.12/2021 for the offence punishable under Sections 403 and 420 of IPC and pass such other order.

3. The factual matrix of case of the prosecution while registering the case in Crime No.12/2021 is that complaint was lodged by one Mr. Dr. Natraj K. S. i.e., respondent No.2, who is the Chief Medical Officer of Sree Jayachamarajendra Taluk Hospital, Thirthahalli, Shimogga District on 10.01.2021 and allegations are made against the petitioner that she is the

Proprietrix of M/s. Sree Lakshmi Venkateshwara Enterprises and the said firm is into outsourcing human resources to various agencies on a contractual basis and the same is covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 Scheme and the petitioner has complied with the same. The specific allegations are made in the complaint that petitioner has not paid EPF and ESI amount to PF account though the same was collected and misused the same. Hence, based on the complaint as per Annexure-B, FIR was registered as per Annexure-A.

4. The main contention of learned counsel appearing for the petitioner is that police have no jurisdiction to entertain such complaint. It is also the contention that complainant is not having locus-standi to register the complaint for the said offence before the police. The counsel also brought to notice of this Court that the grounds which are urged in the petition is entirely civil in nature and the Assistant Provident Fund Commissioner and Enforcement Officers have to initiate appropriate proceedings as contemplated under EPF and ESI Act, in case of any default and the said procedure was not

followed. The counsel also submit that, if there is any default or non-contribution of provident fund, the Competent Authority will initiate 7-A Enquiry under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and also under ESI Act for non-payment, if any.

5. When this Court heard the matter on the previous occasion, directed the learned High Court Government Pleader appearing for the respondent No.1-State to clarify regarding fundamental defect in initiation of proceedings. The learned High Court Government Pleader appearing for respondent No.1-State fairly submits that proceedings ought to have been initiated by the Competent Authority not by the police. But, in the case on hand, it is very clear that one Dr. Nataraj K.S., Chief Medical Officer, Thirthahalli had lodged the complaint as per Annexure-B to the Police Sub-Inspector, Thirthahalli Police Station, Thirthahalli and based on the complaint, case is registered. When such being the case, there is a fundamental defect in initiating the proceedings and complaint ought to have been filed by the Competent Authority and an enquiry have to be conducted, if there is any default in payment and Competent

Authority would have caused notice, if there is any default in payment of the said amount, but the same is not done. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C.

6. In view of the discussion made above, I pass the following:

ORDER

(i) The criminal petition is ***allowed***.

(ii) The FIR in Crime No.12/2021 for the offence punishable under Sections 403 and 420 of IPC registered against the petitioner is quashed. However liberty is given to proceed in accordance with law.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 15