HC-KAR
NC: 2026:KHC:61801
CRL.P No. 1749 of 2025
CNR: KAHC010077572025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5TH DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**CRIMINAL PETITION NO. 1749 OF 2025 (482(Cr.PC) / 528(BNSS)-)**

**BETWEEN:**

SYED TAJUDDIN KHAJI
S/O. SYED BHASHEER AHAMED,
AGED ABOUT 47 YEARS,
OCC OWNER OF STAR TRADERS,
R/AT GOUSIA COLONY,
A.P.M.C. ROAD,
HARIHAR TOWN,
DAVANAGERE DISTRICT-577 601.

...PETITIONER

(BY SRI. S G RAJENDRA REDDY.,ADVOCATE)

**AND:**

1. STATE BY S.H.O.OF HARIHARA TOWN POLICE
HARIHARA, DAVANAGERE DISTRICT,
REPRESENTED BY S.P.P.,
HIGH COURT BUILDING,
BENGALURU-560 001.

2. M. NAJARULLA
S/O. MOHAMED SHARIEF,
AGED ABOUT 54 YEARS,
FOOD INSPECTOR,
TALUK OFFICE,
HARIHARA TOWN,
DAVANAGERE DISTRICT-577 601.

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
R2-SERVED)

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THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO ALLOW THE CRIMINAL PETITION AND QUASH THE ENTIRE PROCEEDINGS IN CC.NO.29/2025 IN CR.NO.115/2024 OF TOWN P.S., HARIHARA, FOR THE OFFENCES P/U/S 3 AND 7 OF THE ESSENTIAL COMMODITIES ACT, U/S 18 OF PDS CONTROL ORDER, 1992, PENDING ON THE FILE OF THE I ADDL. CIVIL JUDGE AND JMFC, HARIHARA.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

## ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

> *i) Allow the Criminal Petition and quash the entire proceedings in CC.No.29/2025 in Cr.No.115/2024 of Town P.S., Harihara, for the offences p/u/s 3 and 7 of the Essential Commodities Act, u/s 18 of PDS Control Order, 1992, pending on the file of the I Addl. Civil Judge and JMFC, Harihara.*

2. On the complaint lodged by respondent No.2, the Harihara Town Police Station registered FIR in Crime No.115/2024 on 23.07.2024 for the offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955, and Section 18 of the Public Distribution System (PDS) Control Order, 1992.

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3. Learned counsel for the petitioner submits that the PDS Control Order, 1992, stood repealed with effect from 10.06.2016. Consequently, the provisions of the said Control Order could not have been invoked in respect of an alleged offence for which the FIR came to be registered on 23.07.2024.

4. In support of the said submission, learned counsel places reliance on the decision of a Coordinate Bench of this Court in **Jagadish Biradar and Others v. State of Karnataka and Another**, Criminal Petition No.200775/2023 and connected matters, decided on 05.07.2023. In particular, reliance is placed on paragraph 19 of the said decision, which reads as follows:

> *"19. A reading of Rule 21 indicates that, the Control Order, 1992 is repealed with effect from the publication of 2016 Order in the official gazette, i.e., 10.6.2016. The offences alleged against the petitioners-accused are allegedly committed after commencement of the Control Order, 2016 and despite the repealing of the Control Order, 1992, the petitioners-accused have been implicated for the offences punishable under the Control Order, 1992, Article 20(1) of the Constitution of India specifies that no person shall be convicted for breach of law, which is not in force at the time of commission of such offence. Hence, the registration of FIR culminating in taking cognizance of the offence punishable under Control Order, 1992 stands vitiated."*

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5. The Coordinate Bench has thus held that, after the repeal of the PDS Control Order, 1992, with effect from 10.06.2016, proceedings for an alleged contravention of the repealed Control Order cannot be initiated in respect of acts allegedly committed thereafter. The principle laid down therein squarely applies to the invocation of the PDS Control Order, 1992, in the present case, where the FIR itself came to be registered on 23.07.2024.

6. In view of the above, continuation of the proceedings founded upon the alleged contravention of the repealed PDS Control Order, 1992, cannot be sustained. The petition, therefore, deserves to be allowed.

7. This Court is, however, constrained to notice that, despite the repeal of the PDS Control Order, 1992, with effect from 10.06.2016, the said Order has been invoked by the authorities in the present case. The initiation of proceedings under a repealed Control Order has resulted in avoidable criminal proceedings and has necessitated the intervention of this Court.

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8. It is, therefore, appropriate that the Principal Secretary, Department of Cooperation, and the Director General and Inspector General of Police examine the matter and issue necessary instructions to all concerned authorities to ensure that only the provisions of law in force and applicable to the alleged acts are invoked while registering cases and initiating prosecution. Such instructions would avoid recurrence of instances of the nature noticed in the present proceedings.

9. In the above circumstances, this Court passes the following:

## ORDER

i) The Criminal Petition is **allowed.**

ii) The entire proceedings in C.C. No.29/2025, arising out of Crime No.115/2024 of Harihara Town Police Station, for the offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955, and Section 18 of the PDS Control Order,

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1992, pending on the file of the I Additional Civil Judge and JMFC, Harihara, are hereby quashed.

iii) Notwithstanding the disposal of the petition, the matter shall be re-listed on 14.12.2026 for filing of compliance affidavits by the Principal Secretary, Department of Cooperation, and the Director General and Inspector General of Police, in respect of the directions issued in paragraph 8 above.

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**(SURAJ GOVINDARAJ)**
**JUDGE**

PRS
List No.: 1 Sl No.: 22