HC-KAR

NC: 2026:KHC:62350
WP No. 4867 of 2022

CNR: KAHC010100042022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO.4867 OF 2022 (GM-RES)

BETWEEN:

SRI. CHANDRASHEKAR M.G
S/O GIDDEGOWDA
AGED ABOUT 52 YEARS,
WORKING AS GODOWN MANAGER
T NARASIPURA -1 (BANNUR)
KARNATAKA FOOD AND CIVIL SUPPLIES
CORPORATION LIMITED
MYSORE-570 010

...PETITIONER

(BY SRI. SATISH K, ADVOCATE)

AND:

1. STATE BY
BANNUR POLICE STATION
REPRESENTED BY ITS
SUB INSPECTOR OF POLICE
BANNUR-571 101

2. SRI KANTHEERAVA M H
FATHER'S NAME NOT KNOWN TO THE PETITIONER
MAJOR
WORKING AS FOOD INSPECTOR
T NARASIPURA TALUK
MYSORE DISTRICT-571 124

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER FOR R1;

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

R2- SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO CALL FOR RECORDS AND QUASH THE IMPUGNED COMPLAINT DATED 06.02.2022 GIVEN BY THE RESPONDENT NO.2 ANNEXURE-D AS WELL AS THE IMPUGNED FIRST INFORMATION REPORT DATED 06.02.2022 IN CRIME NO.0038/2022 REGISTERED BY THE RESPONDENT NO.1 ANNEXURE-E AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Satish K., learned counsel for the petitioner and Smt. Waheeda M.M., learned High Court Government Pleader for the respondent No.1/State.

2. Petitioner is the accused in Crime No.38 of 2022 registered by Bannur Police.

3. Petitioner has approached this Court with the following prayer by filing a petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure.

"Therefore, the Petitioner most humbly prays that this Hon'ble Court may be pleased to:

a) CALL for records from the Respondent No. 1 in respect of the impugned complaint dated 06/02/2022 (Annexure D) as well as the impugned First Information Report (Annexure - E);

b) ISSUE WRIT OR ORDER quashing the impugned Complaint dated 06/02/2022 given by the Respondent No. 2 (Annexure D) as well as the impugned First Information Report dated 06/02/2022 in Crime No. 0038/2022 registered by the Respondent No. 1 (Annexure - E), in the interest of justice and equity"

4. Gist of the complaint averments would reveal that there was a shortage of rice and wheat in the godown and therefore sought for action.

5. Bannur Police have registered the case against the petitioner/accused for the offences punishable under Section 3 and 7 of the Karnataka Essential Commodities (Public Distribution System) Public Control Order 1992, Sections 12, 16, 18 and 19 of Karnataka Essential commodities (Public Distribution System) Public Control Order 2016 and Sections 408, 409 and 420 of Indian Penal Code.

6. Sri Satish K., learned counsel for the petitioner would contend that no offence is attracted in respect of the factual aspects for Sections 3 and 7 of the Karnataka Essential Commodities (Public Distribution System) Public Control Order 1992, Section 12, 16, 18 and 19 of Karnataka Essential commodities (Public Distribution System) Public Control Order 2016.

7. He would further contend that shortage in the quantity of the rice and wheat could not have been subject matter of a criminal complaint and thus sought for quashing of the pending First Information Report.

8. Per contra, Smt. Waheeda M.M., learned learned High Court Government Pleader would support the investigation to be conducted in the case on hand.

9. Having heard the arguments of both sides this Court noted that there is an entrustment of food grains namely, rice and wheat.

10. At the time of inspection/raid, it is noted that there is a shortage of the quantity of the rice and wheat when

compared with stock register. Therefore action is initiated for the aforesaid offences.

11. Admittedly, the rice and wheat was given to the custody of the petitioner herein who was incharge of the godown where the food grains were stored. Quantity of food grains sent to godown and received in the stock register.

12. It is for petitioner to account for the shortage of food grains which and if there are valid reasons the same needs to be considered by the Investigation Agency during the course of investigation.

13. However, this Court finds sufficient force in the argument that there cannot be violation of standing orders of the year 1992 and 2016.

14. If it is so, the Investigation Officer is bound to take into consideration as to the violation of any one of the sections of the standing orders referred to supra and file appropriate report under Section 173 of code of Criminal Procedure.

15. Needless to emphasize that the explanation offered by the petitioner herein shall be taken note of by the Investigation Officer before filing the appropriate report.

16. With that observation following order is passed:

ORDER

Writ petition is ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE

MR
List No.: 1 Sl No.: 69
CT:VRR