HC-KAR

NC: 2026:KHC:59939
WP No. 18251 of 2021

CNR: KAHC010372352021

R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 18251 OF 2021 (GM-RES)

BETWEEN:

RENUKA RAMNATH
AGED ABOUT 60 YEARS
D-4601/02, D TOWER, ASHOK TOWERS
DR. S.S. RAO ROAD, PAREL
MUMBAI - 400 012.

...PETITIONER

(BY SRI. UDAY HOLLA, SR. ADVOCATE FOR
SMT. ANUPARNA BORDOLOI, ADVOCATE)

AND:

STATE OF KARNATAKA
REPRESENTED BY INSPECTOR OF
LEGAL METROLOGY, FLYING SQUAD
AUTO AND TAXI UNIT,
BANGALORE - 560 052.

...RESPONDENT

(BY SMT. WAHEEDA M.M, HCGP)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF THE CR.PC PRAYING TO SET ASIDE THE COMPLAINT DTD.19.5.2016 IN C.C.NO.36296/2016 ON THE FILE OF THE LD METROPOLITAN MAGISTRATE, TRAFFIC COURT-1 MAYO HALL BANGALORE FILED IN SO FAR AS THE PETITIONER IS CONCERNED ANNEXURE-A 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

1. Heard Sri.Uday Holla, learned Senior Counsel appearing for Smt.Anuparna Bordoloi, learned counsel for the petitioner and Smt.Waheeda M. M., learned High Court Government Pleader for respondent/State.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayers:

> "*Wherefore the petitioner most humbly prays that this Hon'ble Court be pleased to:*
>
> a. *Issue a writ of certiorari or a writ in the nature of certiorari or any other writ or order setting aside the complaint dated 19.05.2016 in CC No.36296/2016 on the file of the Ld. Metropolitan Magistrate, Traffic Court – 1, Mayo Hall, Bangalore filed insofar as petitioner is concerned. (ANNEXURE A)*
>
> b. *Issue a writ of certiorari or a writ in the nature of certiorari of any other appropriate writ, direction or order setting aside the entire proceedings in CC No.36296/2016 on the file of the Ld. Metropolitan Magistrate, Traffic court – 1, Mayo Hall, Bangalore*

including the order dated 26.11.2016 insofar as the petitioner is concerned. (ANNEXURE B)

c. *For such other and further reliefs as this Hon'ble Court deems fit and proper in the facts and circumstances of the case in the interest of justice."*

3. Facts of the case are as under:

3.1. Inspector of Legal Metrology filed a private complaint alleging the violation of Section 18 of Legal Metrology Act read with Rule 18(2) of the Legal Metrology (Packaged Commodity) Rules, 2011 (hereinafter referred to as 'Act' for short).

3.2. Petitioner is shown as accused No.3 in the said complaint. Petitioner claims that she has been shown as non-executive director of M/s. PVR Vaishnavi, situated at Yeshwanthapur.

3.3. Flying squad when visited the said premises, had found some violation with regard to the weighing scale and therefore, seized the same and initiated the action for the aforesaid offences.

4. Very registration of the private complaint is called in question by the petitioner herein by contending that under Section 49 of the said Act, no prosecution is permissible against a person who is a non-executive director.

5. It is also contended that unless the company is made as a party, prosecution against the directors alone would be impermissible and thus sought for quashing of the complaint *qua* the petitioner.

6. Learned High Court Government Pleader for the respondent/State could not dispute the factual and legal aspects urged in the petition having regard to Section 49 of the said Act and submitted that suitable orders may be passed.

7. In view of the rival contentions, this Court bestowed its best attention of the relevant aspects of the matter especially Form No.32 filed by the petitioner before the Registrar of companies which is a mandatory requirement.

8. In the said document, petitioner has been shown as 'non-executive director'.

9. In order to appreciate the contentions urged on behalf of the petitioner regarding non-liability of non-executive director, it is just and necessary to cull out Section 49 of the said Act which reads as under:

> ***49. Offences by companies and power of court to publish name, place of business, etc., for companies convicted.—***
>
> *(1) Where an offence under this Act has been committed by a company,—*
>
> *(a)(i)the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereinafter in this section referred to as a person responsible); or*
>
> *(ii)where no person has been nominated, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company; and*
>
> *(b) the company,*
>
> *(2). xxx*
>
> *(3). xxx*
>
> *(4). xxx*
>
> *(5). xxx*

(6). Xxx

(7) The expenses of any publication under sub-section (5) shall be recoverable from the company as if it were a fine imposed by the court.

Explanation.— For the purposes of this section,

(a)"company" means any body corporate and includes a firm or other association of individuals; and

(b)"director", in relation to a firm, means a partner in the firm but excludes nominated directors, honorary directors, Government nominated directors.

10. On careful consideration of the above provision, especially, explanation (b) of sub-section 7 of Section 49 of the Act, wherein definition of 'director' is found, this Court finds sufficient force in the contentions urged on behalf of the petitioner that a non-executive director cannot be proceeded criminally for the alleged violations committed by the company.

11. Hence, a case is made out for quashing the pending criminal proceedings *qua* the petitioner.

12. Accordingly, following:

ORDER

i. Petition is ***allowed***.

ii. Proceedings in CC No.36296/2016 on the file of Metropolitan Magistrate, Traffic Court -1, Mayo Hall, Bengaluru is hereby quashed.

iii. However, quashing of the criminal proceedings qua the petitioner shall not affect the rights of the prosecution in any manner insofar as other petitioners are concerned.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 32