HC-KAR

NC: 2026:KHC:60691
CRL.P No. 13990 of 2025

CNR: KAHC010658072025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 13990 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. MR. NARASIMHEGOWDA K M
   S/O MARIGOWDA
   AGED ABOUT 58 YEARS
   R/AT NO. 21/2/1
   1ST MAIN, 3RD CROSS
   SRI KANTESHWARA NAGAR
   BENGALURU 560 086

   ALSO WORKING AS WAREHOUSE MANAGER,
   VIJAYNAGARA-2, KFCNC,
   NEAR GOVARDHANA THEATER, RMC YARD,
   YESHWANTHAPURA,
   BENGALURU CITY - 560022

...PETITIONER

(BY SRI. CHETAN.V.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY R M C YARD P S
   REP BY STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BENGALURU 560 001

2. SRI DEVARAJU T S
   S/O SIDDARAJU
   AGED ABOUT 35 YEARS
   FOOD INSPECTOR
   WEST RANGE 2
   RAJAJINAGAR

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BANGALORE 560 010

…RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO ALLOW THIS PETITION AND QUASH THE FIR IN CR.NO.170/2025 LODGED BY RMC YARD P.S ON THE FILE OF THE COURT OF THE III ADDL.CJM, BENGALURU CITY FOR THE O/P/U/S 3 AND 7 OF ESSENTIAL COMMODITIES ACT 1955, SEC.13(2) OF THE PREVENTION OF CORRUPTION ACT 1988 AND SEC.316(5) OF THE BNS, 2023 AND ETC.

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:

   a) *Allow this petition and quash the FIR in Cr.No.170/2025 lodged by RMC yard P.S on the file of the court of the III Addl.CJM, Bengaluru City for the o/p/u/s 3 and 7 of Essential Commodities Act 1955, sec.13(2) of the Prevention Of Corruption Act 1988 and sec.316(5) of the Bns, 2023.*

   b) *Grant such other order or direction as this Hon'ble Court may deems fit to grant in the facts and circumstances of the case, in the ends of justice.*

2. Respondent No.2, the Food Inspector, lodged a complaint on 17.09.2025 alleging that, at about

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10.30 a.m. on that day, during an inspection of the KFCNC Wholesale Shop, Vijayanagara-2, situated adjacent to Yeshwanthpur RMC Yard, a lorry bearing registration No. KA-01-AB-0798 was found being loaded with ration rice intended for distribution through Fair Price Shops.

3. Upon inspection of the vehicle, it was found to contain 280 bags of ration rice. Out of the said quantity, 100 bags were covered under Bill No.2185 and another 100 bags were covered under Bill No.2186. The remaining bags were not supported by any corresponding bill at the time of inspection.

4. It is further alleged that the petitioner subsequently produced another bill bearing No.2190 in respect of the remaining quantity. Upon verification, it was found that Bill No.2185 had been generated at 10.08 a.m. and Bill No.2186 at 10.13 a.m., whereas the third bill had been generated only at 10.47 a.m. The discrepancy in the timing of the bills, particularly the generation of the third bill after the inspection had commenced, gave rise to suspicion regarding the manner in which the ration stock was being dispatched.

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5. It is in the aforesaid circumstances that the matter was brought to the notice of the Joint Director, State Vigilance Department, and a complaint came to be lodged alleging violations of Sections 3 and 7 of the Essential Commodities Act, 1955, Section 13(2) of the Prevention of Corruption Act, 1988 and Section 316(5) of the Bharatiya Nyaya Sanhita, 2023. It is challenging the registration of the aforesaid crime that the petitioner is before this Court.

6. The submission of Sri. Chetan V., learned counsel appearing for the petitioner, is that the loading of rice and generation of the corresponding bills take place simultaneously. The server maintained by the Food Department is stated to be frequently malfunctioning and hanging, resulting in delays in entering the particulars and generating the corresponding bills.

7. It is submitted that the discrepancy in the timing of the bills is attributable to the malfunctioning of the server and cannot be construed as an attempt to divert ration rice or misappropriate Government stock.

8. Learned counsel further submits that the rice had not left the premises of the wholesale godown and was

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still within the compound when the inspection was conducted. Therefore, there was no actual transportation or removal of the ration stock from the premises so as to attract the provisions invoked in the FIR.

9. It is also submitted that accused Nos.2 and 3 have obtained interim protection in separate proceedings on similar grounds and, therefore, the petitioner is also entitled to similar relief.

10. Heard Sri. Chetan V., learned counsel for the petitioner and Sri. Ranjith Kumar N., learned HCGP appearing for respondent No.1. Perused the papers.

11. The petitioner is admittedly the Manager in charge of the activities carried on in the wholesale godown. The fact that 280 bags of ration rice were found loaded in the lorry bearing registration No. KA-01-AB-0798 is not in dispute.

12. The material placed before this Court indicates that, out of the said 280 bags, 100 bags were covered under Bill No.2185, generated at 10.08 a.m., and another 100 bags were covered under Bill No.2186, generated at 10.13 a.m. Thus, 200 bags were supported by the aforesaid two bills.

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13. However, the remaining 80 bags, which had also been loaded into the vehicle, were not supported by any bill at the time of inspection conducted at 10.30 a.m.

14. What is significant is that the third bill, bearing No.2190, was generated only at 10.47 a.m., after the inspection had commenced. The said bill covered another 100 bags, which included the 80 bags already loaded into the vehicle and a further 20 bags proposed to be loaded.

15. Thus, the third bill came to be generated after the inspection had commenced and after the discrepancy in the loading of the ration stock had been noticed by the inspecting officials.

16. The sequence of events assumes considerable significance. The petitioner, who was in charge of the activities of the godown, was required to ensure that the movement and dispatch of the ration stock were duly supported by the prescribed documentation. The fact that 80 bags had already been loaded without any corresponding bill and that a bill covering those bags came to be generated only after the inspection had commenced cannot be brushed aside as an ordinary discrepancy in the billing process.

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17. The explanation offered by the learned counsel for the petitioner is that the server maintained by the Food Department was malfunctioning and that the delay in generating the third bill was attributable to such technical difficulties.

18. However, the said explanation is a matter which requires investigation. The functioning of the server, the electronic entries made in respect of the stock, the time at which the particulars were entered, the actual time of generation of the bills and the circumstances in which the third bill came to be generated after the inspection commenced are all matters which can be ascertained by examining the relevant electronic records and server logs.

19. At this stage, this Court cannot accept the explanation of server malfunction as an established fact merely on the basis of the submission made on behalf of the petitioner. Whether the delay was genuinely attributable to a technical malfunction or whether the third bill was generated subsequently to account for ration stock which had already been loaded into the vehicle is a matter requiring investigation.

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20. Insofar as the offences under Sections 3 and 7 of the Essential Commodities Act, 1955 are concerned, Section 3 empowers the Government to regulate or prohibit the production, supply and distribution of essential commodities, including foodgrains, by issuing appropriate orders in the interests of maintaining supplies and securing their equitable distribution.

21. Section 7 provides for punishment where any person contravenes an order made under Section 3 of the Act. Further, Section 8 of the said Act provides that a person who attempts to contravene an order made under Section 3 shall also be deemed to have contravened such order.

22. In the present case, the allegation is that ration rice intended for distribution through Fair Price Shops was being loaded into a vehicle without the corresponding supporting documentation for the entire quantity. The timing of the bills, particularly the generation of the third bill after the inspection had commenced, raises a prima facie question as to whether the stock was being removed or diverted in violation of the applicable orders governing the distribution of essential commodities.

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23. The contention that the rice had not actually left the premises when the inspection was conducted would not, by itself, be sufficient to quash the proceedings.

24. The allegation is not merely that the rice was present within the premises or that the bills had been generated belatedly. The specific allegation is that 80 bags of ration rice had already been loaded into the lorry without any corresponding bill and that a third bill covering the said quantity was generated only after the inspection had commenced.

25. Whether such loading constituted an unauthorised movement or an attempt to divert the ration stock, and whether the circumstances attract the provisions of the applicable control order read with Sections 7 and 8 of the Essential Commodities Act, are matters which require investigation. The absence of completed transportation beyond the premises cannot, by itself, defeat an allegation which also requires examination from the perspective of an attempt to contravene the applicable order.

26. Insofar as Section 316(5) of the Bharatiya Nyaya Sanhita, 2023 is concerned, the said provision deals with criminal breach of trust by a person entrusted with property or dominion over property in the

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capacity of a public servant or in the course of business as a banker, merchant, factor, broker, attorney or agent.

27. In the present case, the petitioner is stated to be the Manager in charge of the entire activities of the wholesale godown. The ration stock was entrusted to the establishment for regulated distribution and the petitioner was responsible for the activities relating to its handling and dispatch.

28. The allegation that ration rice entrusted for distribution through the public distribution system was being loaded into a vehicle without supporting documentation, and that the supporting bill in respect of the balance quantity was generated only after the inspection commenced, requires examination with reference to the petitioner's authority over the stock, the nature of the entrustment, the applicable conditions governing its movement and the circumstances surrounding the alleged unauthorised dispatch.

29. Whether the petitioner was entrusted with the stock in a capacity attracting Section 316(5), and whether there was dishonest use or disposal of the property in violation of the applicable directions, are matters

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which require investigation. The provision requires proof of the requisite entrustment or dominion and dishonest conduct; the mere designation of a person as Manager would not, by itself, establish criminal breach of trust. Nevertheless, the allegations regarding the petitioner's control over the godown and the circumstances of the loading and billing are sufficient to warrant investigation into the ingredients of the offence.

30. Insofar as Section 13(2) of the Prevention of Corruption Act, 1988 is concerned, it is necessary to notice that the said provision prescribes punishment for criminal misconduct committed by a public servant and has to be read with Section 13(1) of the Act.

31. Section 13(1) contemplates criminal misconduct where a public servant dishonestly or fraudulently misappropriates or converts to his own use property entrusted to him or under his control as a public servant, or allows another person to do so, or where such public servant intentionally enriches himself illicitly during the period of his office.

32. In the present case, the allegation concerns the handling and alleged unauthorised diversion of ration

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stock entrusted to the wholesale establishment for distribution under the public distribution system. The petitioner, being the Manager in charge of the godown, is alleged to have exercised control over the stock and the dispatch operations.

33. It is made clear that Section 13(2) cannot be treated as an independent substantive offence without establishing the ingredients of Section 13(1) and the petitioner's status as a public servant. However, in the circumstances of the present case, the question of the petitioner's status, his control over the ration stock and the alleged dishonest diversion are matters which can be ascertained during investigation and do not warrant the quashing of the entire FIR at this stage.

34. The contention that accused Nos.2 and 3 have secured interim protection in separate proceedings on similar grounds would also not, by itself, constitute a ground for quashing the present FIR. The circumstances relating to the role played by each accused, the material available against them and the nature of the relief granted in the separate proceedings would have to be examined independently.

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35. An interim order passed in proceedings concerning other accused persons does not, by itself, confer an automatic right upon the petitioner to seek quashing of the FIR, particularly when the petitioner is alleged to have been in charge of the activities of the godown and the dispatch of the ration stock.

36. While exercising inherent jurisdiction to quash criminal proceedings, is not required to undertake a meticulous appreciation of the evidence or conduct a mini-trial. The consideration is whether the allegations and the material available disclose a prima facie basis for proceeding against the accused. Where the allegations disclose the ingredients of the offences alleged, the defence of the accused ordinarily cannot be examined at the threshold to terminate the proceedings.

37. In the present case, the discrepancy between the quantity of ration rice loaded into the lorry and the quantity covered by the bills available at the time of inspection, coupled with the subsequent generation of the third bill, gives rise to circumstances which require examination by the Investigating Officer.

38. The petitioner's explanation that the server was malfunctioning, the contention that the rice had not

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left the premises and the circumstances in which the third bill came to be generated are all matters which would require scrutiny of the electronic records, stock registers, dispatch particulars and other relevant documents.

39. This Court cannot, at this stage, conclude that the alleged discrepancy was merely technical or that the petitioner had no role in the alleged unauthorised movement of ration stock. Equally, this Court is not recording any finding that the petitioner has committed the offences alleged. The question is only whether the allegations and the circumstances disclosed in the complaint warrant investigation.

40. In that view of the matter, this Court is of the considered opinion that no grounds are made out for exercising the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the FIR in Crime No.170/2025.

41. Accordingly, the petition is liable to be dismissed and this court passes the following:

ORDER

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

(ii) The investigation in Crime No.170/2025 registered by RMC Yard Police Station shall proceed in accordance with law.

(iii) The Investigating Officer shall examine the relevant electronic billing records, server logs, stock registers, dispatch documents and the circumstances surrounding the generation of Bill No.2190.

(iv) It is made clear that the observations made hereinabove are confined to the consideration of the present petition and shall not influence the investigation or any subsequent proceedings.

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(SURAJ GOVINDARAJ)
JUDGE

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