HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 22ND DAY OF JUNE 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 100362 OF 2026

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

BETWEEN:

RAJU S/O. MALLAPPA BASARAGI,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O. HANDARKODI ROAD, KAKMARI VILLAGE,
TQ: ATHANI, DIST: BELAGAVI-591265.

...PETITIONER

(BY SRI. SAIYAD D. MULLA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   THROUGH I.O AIGALI POLICE STATION, BELAGAVI,
   R/BY H.C.G.P. HIGH COURT OF KARNATAKA,
   DHARWAD BENCH, DHARWAD-580011.

2. PRATAP S/O. SHRISHAIL RAIKAR,
   AGE: 33 YEARS, OCC: FOOD INSPECTOR,
   R/O. FOOD DEPARTMENT ATHANI,
   HIDKAL, TQ: RAIBAG, DIST: BELAGAVI-591200
   REP/BY SPP, HIGH COURT OF KARNATAKA, DHARWAD.

...RESPONDENTS

(BY SMT. GIRIJA S. HIREMATH, HCGP FOR R1)

Digitally signed by CHANDRASHEKAR LAXMAN KATTIMANI
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH DHARWAD

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS (U/S 482 OF CR.P.C.) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C. NO.2250/2025 FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 3 AND 7 OF ESSENTIAL COMMODITIES ACT, 1955 ARISING OUT OF AIGALI POLICE STATION CRIME NO.140/2025 PENDING ON THE FILE OF THE 1ST ADDITIONAL CIVIL JUDGE AND J.M.F.C. ATHANI, BELAGAVI, SO FAR AS THE PETITIONER/ACCUSED IS CONCERNED AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard learned counsel appearing for the petitioner and learned HCGP appearing for respondent No.1.

2. This petition is filed to quash the proceedings in C.C.No.2250/2025 for the alleged offence punishable under Sections 3 and 7 of Essential Commodities Act, 1955 (Act, 1955) arising from Crime No.140/2025 before Aigali Police Station. The proceeding is pending before JMFC, Athani.

3. Charge sheet is filed pursuant to seizure of rice from the petitioner.

4. The prosecution alleges 17 bags of rice have been seized from the petitioner and the petitioner did not satisfactorily account for the said rice after the seizure and the petitioner allegedly admitted that the rice was meant for distribution in a public distribution system.

5. The charge sheet materials would indicate that panchanama was drawn for having seized the rice and the rice is also recovered, vehicle is seized.

6. Learned counsel for the petitioner would submit that unless FSL report is produced to show that the rice belonged to the public distribution system, the petitioner cannot be charge sheeted and the trial does not serve any purpose. He would submit that the trial amounts to abuse of the process of the Court.

7. Learned HCGP would submit that FSL report is not required in a case of this nature. What is required is the proof of seizure. Once material is seized, the petitioner has to account for the rice in his custody and no acceptable explanation is forthcoming from the petitioner from where he purchased the rice. Thus, he contends that the petition has to be dismissed and the trial is required.

8. Learned counsel for the Petitioner would refer to the judgment of the Co-ordinate bench of this Court in ***Naganagouda Vs.State of Karnataka***[1] to contend that in the absence of FSL report that the proceeding cannot be cannot be proceeded.

9. The Court has considered the contentions raised.

[1] Crl.P.No.103178/2024

10. It is noticed that in the aforementioned cases, this Court has quashed the proceedings on the premise that the FSL report is not produced along with the charge sheet. It is also noticed in the aforementioned cases that the particulars and the facts pertaining to said cases are not forthcoming. The Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 (Order, 1992) does not mandate the FSL report to try the accused in case of violation of Section 3 and Section 7 of Act, 1995.

11. Learned counsel for the petitioner has referred to Rule 18 of the Order, 1992. The said Rule reads as under:

> *"18.* ***Prohibition of unauthorized sale of food grains and essential commodities issued through Public Distribution System:***
>
> *(a) No person other than the authorized dealer shall purchase or sell or store or offer for sale of food grains in any quantity of any food grains or essential commodities issued to the authorized dealer for distribution under public distribution system.*
>
> *(b) No authorized dealer shall sell or offer for sale of food grains and other essential commodities at a price exceeding the price fixed by the Government .*
>
> *(c) No authorized wholesale dealer shall distribute food grains or other essential commodities issued under public distribution system to any person other than fair price depots and no fair price depot shall sell any essential commodity issued under public*

distribution system to any person other than a ration card holder attached to the fair price depot."

12. This Rule 18 does not mandate that to charge sheet a person who is accused of violation of the provisions of the Order, 1992, there has to be a FSL report. Whether the rice bags seized from the petitioner are meant for public distribution or not is a matter of trial.

13. Since, there is no mandate under law that there has to be an FSL report to try the persons for the alleged offences, the Court is of the view that the present petition is not maintainable. Considering the charge sheet materials, the Court is of the view that the matter requires trial and the ratio laid down in the aforementioned judgment, are not applicable to the facts of the case.

14. Accordingly, petition is ***dismissed***.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

BRN /CT-MCK
List No.: 1 Sl No.: 50