

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 12TH DAY OF JANUARY, 2023

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO.201520/2019

BETWEEN:

MR. RAJEEV CHANDRASEKHAR
AGED ABOUT 53 YEARS,
SON OF AIR COMMODORE
M.K.CHANDRASEKHAR,
KANNADA PRABHA,
SHARADHA RESIDENCY
COURT ROAD,
KALABURAGI - 585101.

CURRENTLY RESIDING
AT 375, 13TH MAIN,
3RD BLOCK, KORAMANGALA,
BENGALURU-560034

... PETITIONER

(BY SRI D.P.AMBEKAR, ADVOCATE)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY ITS
LABOUR INSPECTOR
KALABURAGI SUB-DIVISION
KALABURAGI-585101
KARNATAKA.

REPRESENTED BY THE
ADD. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.

... **RESPONDENT**

(BY SRI GURURAJ V. HASILKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 03.01.2017 IN C.C.NO.1062/2017 PENDING BEFORE THE COURT OF THE LEARNED I CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS AT KALABURAGI (ANNEXURE-A); QUASH THE ORDER DATED 04.01.2017 (ANNEXURE-B) PASSED BY THE I CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, KALABURAGI, BY VIRTUE OF WHICH COGNIZANCE OF THE OFFENCES WAS TAKEN AND PROCESS TO THE PETITIONER WAS ISSUED; QUASH THE ORDER DATED 30.11.2017 (ANNEXURE - B) BY VIRTUE OF WHICH THE I CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, KALABURAGI, HAS CONCLUDED THAT NON-BAILABLE WARRANT IS REQUIRED TO BE ISSUED TO THE PETITIONER AND ALL CONSEQUENT ORDERS BY WHICH NON-BAILABLE WARRANTS WERE RE-ISSUED.

THIS PETITION COMING ON FOR FINAL HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard learned counsel for the petitioner and the learned High Court Government Pleader.

2. The present petition is filed under Section 482 of Cr.P.C. with the following prayer :-

"WHEREFORE it is most respectfully prayed that this Hon'ble Court be pleased to:

a. Call for records in C.C. No.1062/2017 pending before the Court of the Learned I Civil Judge and Judicial Magistrate First Class at Kalaburagi;

b. Quash the complaint dated 03.01.2017 in C.C. No.1062/2017 pending before the Court of the Learned I Civil Judge and Judicial Magistrate First Class at Kalaburagi (Annexure - A); and

c. Quash the order dated 04.01.2017 (Annexure - B), passed by the I Civil Judge and Judicial Magistrate First Class, Kalaburagi, by virtue of which cognizance of the offences was taken and process to the Petitioner was issued;

d. Quash the order dated 30.11.2017 (Annexure - B) by virtue of which the I Civil Judge and Judicial Magistrate First Class, Kalaburagi, has

concluded that non-bailable warrant is required to be issued to the Petitioner, and all consequent orders by which non-bailable warrants were re-issued and

e. Grant such other relief/s as this Hon'ble Court deems fit, in the interest of justice."

3. Brief facts which are necessary for disposal of the petition are as under : Upon a Private complaint lodged by Labour Inspector Kalaburagi under section 200 of Cr.P.C., seeking action under Section 18 of Working Journalists and Other Newspaper Employees (Conditions of Service) And Miscellaneous Provisions Act, 1955 (for short, hereinafter referred to as 'the Act'), learned Magistrate took cognizance and issued the summons. The said order is challenged by the petitioner.

4. Gist of the complaint averments reveal that petitioner being the Director of Kannada Prabha Publications Limited has violated the provisions of the Act and therefore, sought for action.

5. The main thrust of the argument of learned counsel for the petitioner is that petitioner was the director of Kannada Prabha Publications Limited which was in the business of publishing daily newspaper; he retired from the directorship by filing necessary application under form No.32 on 04.04.2013 and any violation that is said to have been made by the Kannada Prabha Publications Limited, the petitioner cannot be held responsible, summoning the petitioner to face criminal prosecution as uncalled for and sought for allowing the petition.

6. *Per contra*, learned High Court Government Pleader opposes the petition and sought for dismissal of the same.

7. As could be seen from Annexure-D, which is Form-32 filed by the petitioner with the Registrar of Companies that petitioner has resigned from the directorship with effect from 04.04.2013.

8. If that were to be so, the violation of provisions of the said Act by the Company said to have

been occurred in the year 2016, the petitioner shall not be responsible for the same. However, the said aspect of the matter was not brought to the notice of the learned Magistrate, before he issued the summons. It was the duty of the complainant who is the Labour Officer to verify whether the petitioner continued to be the director of Kannada Prabha Publications Limited as on the date of alleged violation or not and then should have proceeded against the petitioner herein.

9. The complaint which is filed at Annexure-A to the petition does not mention that the petitioner is the director even on the date of alleged offence in the year 2016.

10. Hence, this Court is of the considered opinion that continuation of criminal proceedings as against the petitioner would only result in futile exercise and totally uncalled for and result in affecting the rights of the petitioner.

11. Accordingly, a case is made out for interference of this Court under Section 482 of Cr.P.C., in quashing the criminal proceedings against the petitioner.

12. Hence, the following order is passed:

ORDER

Criminal petition is allowed.

The entire proceedings in C.C.No.1062/2017 on the file of I-Additional Civil Judge and JMFC, Kalaburagi, is hereby quashed in so far as petitioner is concerned.

**Sd/-
JUDGE**

VNR