

**THE HON'BLE JUSTICE Dr. V.R.K.KRUPA SAGAR**

**CRIMINAL PETITION No.6362 of 2019**

**ORDER:**

Learned counsel for petitioner Sri M.Chalapathi Rao and learned Assistant Public Prosecutor for respondent Nos.1 and 2 submitted their arguments. Perused the record.

2. Respondent No.2/Assistant Director of Agriculture (Regular), Brodipet, Guntur lodged a written information dated 13.08.2018 before Station House Officer, Kothapet Circle, Guntur. This written information refers to names of the three following companies.

1. M/s Narmada Sagar Agri Seeds Private Limited
2. M/s Azadi Bio Science Private Limited
3. M/s Bhaskar Cotton Seeds.

3. The written information was registered as Cr.No.239 of 2018 and after investigation, Inspector of Police, Kothapet filed a charge sheet before Learned IV Additional Junior Civil Judge, Guntur. It became C.C.No.644 of 2018 for the offences under Sections 420 IPC and Section 15 of the Environment (Protection) Act, 1986 and Sections 6,7,21 and 23 of Seeds Act, 1966. This charge sheet arraigned Accused Nos.1 to 5. The above referred three companies allegedly committed the offences but they are

not made accused in the charge sheet. On reading of the entire charge sheet and material collected they do not indicate why these companies were omitted.

4. Sri P.Musum Vali/A1 and Sri P.Ratnakar/A2 are workers in M/s Narmada Sagar Agri Seeds Private Limited. Those two employees are shown in the charge sheet as Accused Nos.1and2. Thus, the companies which were allegedly perpetrating the crime are not made parties and its employees alone are made parties. A reading of the entire charge sheet does indicate the role played by these two employees/A1 and A2 for the alleged offences. No particular attempt of them is mentioned indicating their participation in the infraction of any of the above penal provisions. It is in these circumstances, A1 and A2 filed this petition under Section 482 CrPC seeking for quashment.

5. During the course of arguments, learned counsel for petitioners submitted that these two very petitioners were similarly charge sheeted in another case and this Court in criminal Petition No.6849 of 2019 by an order dated 11.04.2023 quashed the proceedings. Learned counsel submits present set of facts are governed by the said order though it pertains to another case. Learned Assistant Public Prosecutor also submits

that the allegations in this case are similar to the allegations in CrI.P.No.6849 of 2019 and the reasons furnished in that case do apply to the present case also. However, learned Assistant Public Prosecutor submits that the offences alleged herein are pertaining to seeds.

6. Considering the submissions on both sides and having gone through the entire material on record, this Court finds that to summon citizens to stand up for trial in any criminal Court cannot be taken up easily unless the allegations made by the State *Prima facie* indicate certain role attributable to them in commission of one or the other offences. In the case at hand, while all the companies that allegedly committed the offences were completely omitted without mentioning any reasons and employees working on legal side in their respective departments of that company are charge sheeted and the charge sheet and accompanying material do not whisper at least one word against any role played by them in committing any of the offences mentioned in the charge sheet. Thus, reading of the entire material do not *prima facie* disclose any offence that could be said to have been committed by these petitioners. Therefore, continuing prosecution against these petitioners would be

abuse of process and prosecuting these petitioners cannot be in the interest of justice.

7. Therefore, there is merit in the contention raised.

In the result, this Criminal Petition is allowed. The proceedings against Sri P.Musum Vali/A1 and Sri P.Ratnakar/A2 in C.C.No.644 of 2018 on the file of learned IV Additional Junior Civil Judge, Guntur stand quashed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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**Dr. V.R.K.KRUPA SAGAR, J**

Date: 05.07.2023  
DVS

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