

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 09TH DAY OF FEBRUARY 2021
BEFORE

THE HON'BLE MR. JUSTICE P. KRISHNA BHAT

CRL.P. NO. 101815 OF 2015

BETWEEN:

DR. BASAVARAJA MALLAPPA PARAVANNAVAR
AGE:38 YEARS, OCC:DOCTOR, R/O AVARADHI,
TQ:BAILHONGAL,DIST:BELAGAVI.

...PETITIONER

(BY SRI.LAXMAN T MANTAGANI & N.J. APPANNAVAR, ADVS.) (ABSENT)

AND:

1. STATE OF KARNATAKA
BY KITTUR POLICE, KITTUR
REP. BY ADDL. SPP,
HIGH COURT PREMISES, DHARWAD.

2. MANOHAR GURULINGAPPA HALAPETI
AGE:58 YEARS, OCC:SHIRASTEDAR
AT BAILHONGAL, TAHSILDAR OFFICE,
BAILHONGAL, DIST:BELAGAVI.

...RESPONDENTS

(BY SRI. PRAVEEN K UPPAR, HCGP FOR R1) (R2-SERVED)

THIS PETITION IS FILED UNDER SECTION 482 OF CR.P.C.
PRAYING TO QUASH THE FIR REGISTERED AGAINST THE PETITIONER
BY KITTUR POLICE IN CRIME NO.186/2015 FOR OFFENCES
PUNISHABLE UNDER SECTIONS 3 AND 7 OF THE ESSENTIAL
COMMODITIES ACT, 1955, DATED 23.7.2015 VIDE ANNEXURE-B.

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

ORDER

In this petition filed under Section 482 of Cr.P.C., the petitioner is praying for quashing of the entire proceedings initiated based on FIR in Crime No.186/2015 of Kittur Police Station for offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955.

2. As per the FIR, one Manohar Halapeti, Shirastedar (Office of the Tahsildar, Bailahongal) received credible information to the effect that in the Govt. Higher Primary School, Avaradhi village, rice was illegally stored and preparations were being made in order to sell the same. He informed the same to the Tahsildar and as per his directions, he secured the presence of Revenue Inspector of Kittur by name M.A. Jakati and Village Accountant of Avaradhi village by name Prakash Hunashikatti and they all went to Kittur. Thereafter, the complainant went to Kittur Police Station and informed the police there, and along with two police, they went near the premises of Govt. School, Avaradhi village, where they found two persons near the School with 407 goods vehicle

bearing No.KA-24/A-7022. On enquiring with them, the complainant came to know that the said two persons had gone at the behest of the petitioner herein in order to take away the rice which was stored in the school and for selling the same. It is alleged that the rice was collected at the time of Jatra in the village. The complainant has stated that when he further questioned the said two persons, they informed him that since it was PDS rice, they had not purchased the same. Thereafter, the complainant and others entered Room No.8 of the School and they found two persons inside the room, and on enquiry, they disclosed that they were there at the instruction of the petitioner herein and they were in the process of filling the rice into white plastic bags and for sale purpose they were weighing the rice. Immediately, the complainant collected two panchas and in their presence, seized 40 quintals of PDS rice and filled them in empty bags along with electronic weighing machine and plastic rope. It is alleged that the accused at the instance of the present petitioner were about to remove the rice

meant for PDS from the school building in order to sell the same outside.

3. The grounds urged in this petition in support of prayer for quashing of the proceedings are that the petitioner has been falsely implicated under pressure from somebody; rice was stored on account of the fact that there was jatra mahotsava in Avaradhi village for 9 days. It is further urged in the petition that the school building where rice was found belongs to the government authorities, and SDMC members ought to have given proper explanation for storing the rice there. It is also urged that the petitioner was not at all present in the school building at the time of the raid held there.

4. A perusal of the complaint shows that on 22.07.2015, on receiving credible information, Shirastedar (Office of Tahsildar, Bailhongal) had conducted raid at the school building of Avaradhi village and seized 40 quintals of rice stored there and took two persons into custody namely Kallanagouda Basanagouda Patil and Basavaraj Shivappa Paravannavar (Accused No.2 and 3) who were

about to remove the rice from there for the purpose of selling the same outside at the instance of the petitioner. It is also disclosed that the rice was made for distribution under Public Distribution System. Accordingly, a case was registered for offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955. In that view of the matter, I find no illegality in registration of the case as alleged in the petition. Accordingly, there is no merit in the petition and it deserves to be dismissed.

5. Hence, the following:

ORDER

- a) The above petition is dismissed.
- b) In view of the above order, IA No.1/2020 is also dismissed as not surviving for consideration.

Sd/-
JUDGE

JTR