



NC: 2026:KHC-D:16136
CRL.P No. 100297 of 2026

CNR: KAHC020029952026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL PETITION NO.100297 OF 2026
(482(Cr.PC)/528(BNSS))

BETWEEN:

SHRI ALLABHAKSHA M. MAKANDAR,
AGE: MAJOR, OCC: PROPRIETOR OF THE
SHABAJ AGRO KENDRA, SHIRUR,
R/O. SHIRUR, TQ. DIST. BAGALKOT-587120.

...PETITIONER

(BY SRI RAHUL S. KUNTOJI, ADV. FOR
SRI HARISH S. MAIGUR, ADVOCATE)

AND:

STATE OF KARNATAKA,
LAXMAN S. KALLENNAVAR,
FERTILIZER INSPECTOR CUM JOINT DIRECTOR
OF AGRICULTURE, BAGALKOT, REP. BY S.P.P.,
HIGH COURT BENCH, DHARWAD-580011.

...RESPONDENT

(BY SRI PRAVEENA Y. DEVAREDDIYAVARA, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.528 OF BNSS (U/S.482 OF CR.P.C.), PRAYING TO CALL FOR THE RECORDS FROM COURT BELOW AND QUASH THE ORDER OF TAKING COGNIZANCE AND ISSUE OF PROCESS FOR THE OFFENCE PUNISHABLE U/S.3 AND 7 OF THE ESSENTIAL COMMODITIES ACT AND ORDER 19 AND 21 OF FERTILIZER (CONTROL) ORDER 1985 ON THE FILE OF THE PRL. CIVIL JUDGE AND J.M.F.C., BAGALKOT IN C.C.NO.4550/2025 DATED 09/09/2025 CONSEQUENTLY QUASH THE COMPLAINT AGAINST THE PETITIONER HEREIN/ACCUSED NO.3, TO MEET THE ENDS OF JUSTICE.

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



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CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard Sri. Rahul S.Kuntoji, learned counsel for Sri Harish S.Maigur, learned counsel for the petitioner-accused No.3 and Sri. Praveena Y.Devareddiyavara, learned HCGP for the respondent – State.

2. Learned counsel for the petitioner has filed a memo showing the name of responsible officer of accused No.2 – Company as Responsible Officer. The memo is taken on record.

3. The petitioner – accused No.3 has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 482 of Cr.P.C.) seeking to quash the entire proceedings in C.C.No.4550/2025 on the file of learned Principal Civil Judge and JMFC, Bagalkote, for the offences punishable under Sections 3 and 7 of the Essential Commodities Act and Order 19 and 21 of the Fertilizers (Control) Order, 1985.

4. The factual matrix of the case is that on 22.10.2021, the defacto complainant visited the shop of



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accused No.3 and collected the samples of fertilizer. At the time of inspection, accused No.3 was present and on examination, the complainant found liquid multi-micronutrient mixtures, fertilizers bearing batch No.28, named as micro food, all crops, foliar spray, multi-micronutrient mixtures fertilizers bearing batch No.13 named as micro-food. All crop soil application and liquid multi-micronutrient mixture fertilizers bearing batch No.BMAAX-DBP named as Bio-Maxx Foliar Spray Tonic. Hence, the defacto complainant conducted mahazar and sent the samples to the laboratory for analysis. On 18.11.2021, the defacto complainant received the report and on verification of the said report, it was found that the samples sent to laboratory were substandard and did not confirmed to the prescribed specification. Hence, a case has been registered against accused No.1 and 2 - company and accused No.3/stockiest/dealer. The show-cause notices were issued to the accused persons and they have submitted their replies. Taking exceptions to the same, the petitioner has filed this petition.

5. Learned counsel for the petitioner has contended that the petitioner is innocent and he has not committed any



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offences as alleged against him. He is the dealer and supplier of fertilizer and he is nowhere connected with the production of fertilizers nor does he have any domain or control over the quality of fertilizers. It is further contended that the samples were collected from sealed bags and therefore, absolutely there are no specific allegations against the petitioner regarding adulteration or substandard quality of the fertilizers contained in the sealed bags. Hence, the learned counsel prayed to allow the petition.

6. *Per contra*, the learned High Court Government Pleader contended that there is *prima facie* material against the petitioner and petitioner is involved in the alleged offences. Hence, learned HCGP prayed to reject the petition.

7. I have perused the materials available on record and considered the submissions made by the learned counsel for the parties.

8. The perusal of the entire material, it appears that the defacto complainant visited the shop of accused No.3, took samples of fertilizers and sent them to the laboratory for



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analysis. The laboratory report discloses that samples seized were not in conformity with the prescribed specification. Hence, the complainant lodged the complaint against accused No.1 to 3.

9. On perusal of the entire complaint, there is no specific allegation against the petitioner/accused No.3 as to how he was responsible for the production of the fertilizers or how he was responsible for the substandard quality of the fertilizers contained in the sealed bags.

10. In the case of ***Sanjay Gowda v. State of Karnataka*** in ***Criminal Petition No.7408 of 2015 dated 04.08.2016***, a Co-ordinate Bench of this Court held that, '*as per the Government order issued by the Department of Agriculture, which requires the appointment of an officer for compliance of Fertilizer (Control) Order in every company manufacturing fertilizers and when such an officer is named, it is only against such officer that any violation in law under such provisions could be carried forward and not against any other officer of the company or its Managing Director.*'



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11. Learned counsel for the petitioner submits that the Companies/accused No.1 and 2 have passed resolution, fixing responsibility on the Compliance Officer/responsible officer of the Companies viz., Sri. C.W.Mandanna, Marketing Manager (Karnataka) in the T Stanes and Company Limited, and Sri Shreedhar Girennavar who has been appointed as responsible officer (accused No.3) by the Biotech Private Limited and held responsible for the production of fertilizer of accused No.1 and 2.

12. In view of the facts and circumstances of the case and decision cited supra, the petitioner, being merely a dealer cannot be held responsible for the quality of fertilizers seized from his shop and thus, the proceedings now initiated against the petitioner is nothing but an abuse of process of law.

13. For the foregoing reasons, the petition deserves to be allowed. Accordingly, I proceed to pass the following:

ORDER

The Criminal petition is ***allowed***.



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The proceedings in C.C. No.4550/2025 pending on the file of learned Principal Civil Judge and JMFC, Bagalkote insofar as petitioner – accused No. 3 is concerned, are hereby quashed.

In view of disposal of the petition, pending I.As., if any, stands disposed of.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

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