THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.10115 OF 2017

Between:

Al Kabeer Exports Pvt. Ltd., Rep by Its Director.

… Petitioner/Accused No.1

AND

The State of Telangana Rep., by its Public Prosecutor High Court Buildings, Hyderabad and another.

… Respondents.

Date of Judgment pronounced on : 28-10-2026

HONOURABLE SRI JUSTICE N. TUKARAMJI

1. Whether Reporters of Local newspapers May be allowed to see the judgments? : Yes

2. Whether the copies of judgment may be marked to Law Reporters/Journals: : Yes

3. Whether His Lordships wishes to see the fair copy of the Judgment? : Yes

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N. TUKARAMJI, J

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.10115 OF 2017

% 28-10-2026

Al Kabeer Exports Pvt. Ltd., Rep by Its Director.

… Petitioner/Accused No.1

Versus

$ The State of Telangana Rep., by its Public Prosecutor High Court Buildings, Hyderabad and another.

… Respondents.

< GIST:

> HEAD NOTE:

! Counsel for the Petitioner : Mr. B.S. Prasad, learned Senior counsel appearing for Mr. Chunap Anvesh Kiran, learned Counsel for the petitioner

^ Counsel for the respondents : Mr. Mr. M. Vivekanand Reddy, learned Assistant Public Prosecutor for respondent No.1 State and Mr. Zeeshan Adnan Mahmood, learned Standing Counsel for Telangana State Pollution Control Board/respondent No.2

? Cases referred

1. 2025 SCC OnLine SC 208;
2. (2015) 4 SCC 609;

3. (2015) 12 SCC 422;

4. (1998) 5 SCC 749;

5. (2013) 3 SCC 330;

6. CFM-M-25792 of 2021, dated 19.04.2022;

7. (2004) 2 SCC 731;

8.1992 Supp (1) SCC 335

9. (1997) 4 SCC 241;

10. MANU/SC/0348/2023;

11. (2024) 15 SCC 282;

12. 2025 SCC OnLine SC 1498;

13. MANU/SC/0272/2021;

14. (2020) 3 SCC 317;

15. MANU/SC/0529/2021;

16. 2024 INSC 583;

17. MANU/SC/1087/2023;

18. 2025 SCC OnLine SC 1947;

19. (2000) 3 SCC 745;

20. (2009) 2 SCC 147;

21. (1996) 5 SCC 647

22. 2021 SCC OnLine SC 315

23. (2023) 18 SCC 399

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.10115 OF 2017

(CNR No. HBHC010826432017)

DATE: 28.10.2026

Between :

Al Kabeer Exports Pvt. Ltd., Rep by Its Director.

… Petitioner/Accused No.1

AND

The State of Telangana Rep., by its Public Prosecutor High Court Buildings, Hyderabad and another.

… Respondents.

ORDER:

This Criminal Petition is filed under Section 482 of the *Code of Criminal Procedure, 1973* (for short, "CrPC") seeking quashment of the proceedings in C.C. No.248 of 2017 on the file of Special Mobile Judicial First Class Magistrate, Sangareddy. The petitioner is arrayed as accused No.1 in the above Case.

2. I have heard Mr. B.S. Prasad, learned Senior Counsel for Mr. Chunap Anvesh Kiran, learned Counsel appearing for the petitioner, Mr. M. Vivekanand Reddy, learned Assistant Public Prosecutor for respondent No.1 State and Mr. Zeeshan Adnan Mahmood, learned

Standing Counsel for Telangana State Pollution Control Board/respondent No.2.

Factual matrix:

3.1. The prosecution case, in brief, is that *Al Kabeer Exports Pvt. Ltd.* (hereinafter referred to as "*the petitioner*") is a company incorporated under the Companies Act, 1956, having its registered office at Mumbai and its factory at Rudraram Village, Patancheru Mandal, Medak District, Telangana. The petitioner is engaged in meat processing and allied activities and claims to have commenced commercial production in 1993 after obtaining the requisite statutory permissions, including consent from the 2nd respondent, the *Telangana State Pollution Control Board* (hereinafter referred to as "*the Board*").

3.2. The case of the 2nd respondent, represented by its Environmental Engineer, Sangareddy, is that the petitioner violated the conditions stipulated in the Consent Order dated 03.09.2015 by improperly disposing of animal waste through burial pits instead of adopting the prescribed methods of disposal. The complaint further alleges that such activities resulted in environmental pollution and contamination of nearby ponds, wells and groundwater, adversely affecting the health of the surrounding villagers and their agricultural activities.

3.3. According to the complaint dated 03.04.2017, the alleged violations came to the notice of the authorities pursuant to a representation submitted to the *District Legal Services Authority* on 06.12.2016 and a news report published in the *Eenadu* daily newspaper on 29.11.2016. The Board also relied upon laboratory reports concerning water samples collected from borewells and a drainage channel leading towards Erdhanoor tank, which allegedly revealed elevated levels of Total Dissolved Solids (TDS) and Chemical Oxygen Demand (COD). It is further alleged that the petitioner had buried dead animals in pits, that cattle had fallen into such pits, and that water had been contaminated with animal blood. The complaint also alleges that the resulting groundwater and air pollution adversely affected the surrounding villages. On the basis of these allegations and the material relied upon in support thereof, the 2nd respondent instituted the complaint, pursuant to which the criminal proceedings came to be initiated.

Pleadings of the Petitioner:

4.1. Learned counsel for the petitioner submits that the petitioner has been operating its industrial establishment after obtaining the requisite statutory permissions and has maintained an Effluent Treatment Plant (ETP) for treating the wastewater generated during its operations. It is further submitted that the treated wastewater was utilised for

aquaculture and land irrigation within the petitioner's premises, which extend over approximately 282 acres.

4.2. Learned counsel further submits that, on 24.12.2016, the Board issued directions requiring the petitioner to store the treated wastewater in a lined lagoon to prevent possible contamination of groundwater. Subsequently, on 02.03.2017, further directions were issued granting the petitioner one month's time to comply with the requirements. However, on the very same day, the Task Force Committee allegedly decided to initiate prosecution against the petitioner. It is also submitted that the Board encashed the petitioner's existing Bank guarantee of Rs.50,00,000/-.

4.3. The petitioner maintains that dead animals were scientifically processed through a rendering process for the production of poultry-feed additives and that vermiculture and composting methods were also adopted for the disposal of biodegradable waste. The petitioner denies having violated the directions issued by the Board and contends that the complaint contains vague and general allegations unsupported by specific material establishing the commission of the alleged offences.

4.4. The petitioner further contends that the learned Magistrate took cognizance of the complaint mechanically, without proper consideration

of the allegations, the supporting material and the petitioner's alleged role in the commission of the offences. It is argued that the decision to initiate prosecution while simultaneously granting the petitioner time to comply with the Board's directions was arbitrary and amounted to a colourable exercise of power.

4.5. In support of the petition, learned counsel for the petitioner relies upon *J.M. Laboratories v. State of Andhra Pradesh*, 2025 SCC OnLine SC 208; *Sunil Bharti Mittal v. Central Bureau of Investigation*, (2015) 4 SCC 609; *Mehmood Ul Rehman v. Khazir Mohammad Tanda*, (2015) 12 SCC 422; *Pepsi Foods Ltd. v. Special Judicial Magistrate*, (1998) 5 SCC 749; *Rajiv Thapar v. Madan Lal Kapoor*, (2013) 3 SCC 330; *Dipti Jain v. Haryana State Pollution Control Board*, CFM-M-25792 of 2021, dated 19.04.2022; *K.C. Builders v. Assistant Commissioner of Income Tax*, (2004) 2 SCC 731; and *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335. On the strength of the aforesaid decisions, the petitioner seeks quashing of the criminal proceedings on the ground that their continuation would amount to an abuse of the process of law.

Pleadings of the Respondent No.2/ Board:

5.1. Learned Standing Counsel appearing for the 2nd respondent/Board opposes the petition and submits that the complaint discloses a prima facie case for the alleged offences under Sections 24 and 43 of the *Water (Prevention and Control of Pollution) Act, 1974*

(hereinafter referred to as "*the Water Act*"). It is contended that the allegations concerning the improper burial of animal waste and contamination of water sources are supported by inspection reports, laboratory analyses, complaints received from villagers and other material collected by the Board.

5.2. The 2nd respondent further relies upon correspondence from the petitioner which allegedly refers to the removal of approximately 40 tonnes of buried waste and the pumping of approximately 30 kilolitres (KL) of stagnant water into the ETP. According to the Board, these circumstances lend support to the allegations in the complaint and cannot, at this stage, be treated as conclusive proof of the petitioner's innocence.

5.3. It is further submitted that the complaint was instituted by the Environmental Engineer pursuant to authorisation under Section 49(1) of the Water Act and is, therefore, maintainable. The Board also contends that the liability of the company's directors and managers, insofar as they have been arraigned as accused, must be examined in accordance with Section 47 of the Water Act, as applicable during the relevant period.

5.4. The respondent No.2 submits that the subsequent issuance of regulatory directions or the grant of time to comply with such directions

does not, by itself, extinguish criminal liability for any violations allegedly committed earlier. It is further contended that the questions concerning the alleged contamination, the reliability of the laboratory reports, the disposal methods adopted by the petitioner and compliance with the conditions of consent involve disputed questions of fact that ought to be examined during trial rather than adjudicated in proceedings seeking quashing of the complaint.

5.5. In support of these submissions, learned Standing Counsel relies upon *Krishnan v. Krishnaveni*, (1997) 4 SCC 241; *CBI v. Aryan Singh*, MANU/SC/0348/2023; *Bhisham Lal Verma v. State of Uttar Pradesh*, (2024) 15 SCC 282; *M.C. Ravikumar v. D.S. Velmurugan*, 2025 SCC OnLine SC 1498; *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, MANU/SC/0272/2021; *Rajeev Kourav v. Baisahab*, (2020) 3 SCC 317; *Kaptan Singh v. State of Uttar Pradesh*, MANU/SC/0529/2021; *Dharambheer Kumar Singh v. State of Jharkhand*, 2024 INSC 583; *Iveco Magirus Brandschutztechnik GmbH v. Nirmal Kishore Bhartiya*, MANU/SC/1087/2023; *Pradeep Kumar Kesarwani v. State of Uttar Pradesh*, 2025 SCC OnLine SC 1947; *U.P. Pollution Control Board v. Mohan Meakins Ltd.*, (2000) 3 SCC 745; *U.P. Pollution Control Board v. Dr. Bhupendra Kumar Modi*, (2009) 2 SCC 147; and *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

5.6. Learned Standing Counsel accordingly submits that this Court ought not to undertake a mini-trial or adjudicate disputed questions of fact while exercising its inherent jurisdiction to quash the criminal proceedings. It is contended that the allegations in the complaint, read with the supporting material relied upon by the Board, warrant consideration at trial and do not justify interference at this stage. The 2nd respondent, therefore, seeks dismissal of the criminal petition and a direction for expeditious disposal of the trial.

Analysis and Conclusion:

6. I have carefully considered the submissions and perused the material available on record.

7. In the rival submissions, the following points arise for consideration:

a) Whether the allegations in the complaint taken at face value disclose the essential ingredients of alleged offences under Sections 24 and 43 of the Water Act.

b) Whether the complaint satisfies the statutory requirement governing cognizance under Section 49 of Water Act and insofar as the companies officers are concerned the applicable requirement of Section 47 of the Water Act.

c) Whether the alleged non application of mind by the learned Magistrate or the material relied upon by the petitioner

warrants exercise of inherent jurisdiction under Section 482 of Cr.P.C. to quash the proceedings.

8. Before proceeding to consider the rival submissions on their merits, it is necessary to reiterate that the inherent jurisdiction of this Court under Section 482 of the CrPC is intended to prevent abuse of the process of any Court and to secure the ends of justice. The jurisdiction is extraordinary in nature and must be exercised sparingly, with circumspection and in accordance with the settled principles of law.

9. In *Bhajan Lal* (supra), the Hon'ble Supreme Court illustrated the categories of cases in which the High Court may exercise its inherent powers to quash criminal proceedings. These include cases where the allegations, even if taken at their face value and accepted in their entirety, do not prima facie constitute an offence; where the uncontroverted allegations and the material collected in support thereof do not disclose the commission of an offence; and where the criminal proceedings are manifestly attended by mala fides or have been instituted maliciously with an ulterior motive. The categories so enumerated are illustrative and not exhaustive. The exercise of inherent jurisdiction must depend upon the facts and circumstances of each case and the nature of the legal infirmity alleged.

10. In *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, 2021 SCC OnLine SC 315, the Hon'ble Supreme Court cautioned against premature interference with criminal proceedings where the allegations disclose the commission of an offence. Similarly, in *CBI v. Aryan Singh*, (2023) 18 SCC 399, the Hon'ble Supreme Court reiterated that the High Court, while considering a petition for quashing, cannot conduct a mini-trial or undertake an assessment of the evidence to determine whether the prosecution would ultimately succeed. At the same time, the restraint against conducting a mini-trial does not preclude the Court from examining whether the allegations, considered in the manner permissible in law, disclose the essential ingredients of the alleged offence or whether continuation of the proceedings would amount to an abuse of the process of law.

11. The present Criminal Petition arises out of a complaint instituted by the 2nd respondent, represented by its Environmental Engineer, Sangareddy, against the petitioner alleging contravention of Sections 24 and 43 of the Water Act. Section 24 of the Water Act, as applicable to the relevant period, prohibits the knowing discharge or permitting of the entry, directly or indirectly, of poisonous, noxious or polluting matter into a stream or well, or onto land, subject to the qualifications and exceptions contained in the provision. Section 43 of the Water Act, prescribed punishment for contravention of Section 24 of the Water

Act. Consequently, the essential inquiry is whether the allegations disclose conduct capable of attracting the statutory prohibition, and not merely whether the petitioner generated animal waste or was subject to regulatory directions.

12. On consideration of the allegations as summarised in the pleadings and the material described as having been relied upon by the 2nd respondent, this Court finds that the complaint is not confined to a general allegation of environmental pollution. It specifically alleges improper burial of animal waste in pits situated near water sources and contamination of water sources and groundwater. The complaint further relies upon laboratory findings concerning samples collected from borewells and a drainage channel leading towards Erdhanoor tank, together with complaints received from villagers, inspection-related material and other circumstances relied upon by the Board. Taken together, these allegations and the supporting material relied upon by the prosecution furnish a prima facie basis for examining whether the petitioner's activities resulted in the entry of polluting matter in circumstances attracting Section 24 of the Water Act. The allegations, at this stage, cannot be rejected merely because the petitioner disputes the alleged contamination or asserts that it adopted appropriate waste-disposal methods.

13. It is, however, necessary to clarify that the laboratory findings concerning elevated TDS or COD levels do not, by themselves, conclusively establish that the petitioner committed a contravention of Section 24 of the Water Act. The evidentiary significance of those findings, their relationship to the alleged industrial activity, the applicable standards and the question whether the statutory ingredients of the offence are established must be determined in accordance with law. The present conclusion is confined to the existence of a prima facie basis for continuation of the proceedings and does not amount to a finding that the petitioner caused pollution or is guilty of the alleged offences.

14. In *Mohan Meakins Ltd.*, (supra), the Hon'ble Supreme Court emphasised the importance of enforcing environmental legislation and held that delay, in the circumstances of that case, did not by itself justify absolving the accused of liability. In *Dr. Bhupendra Kumar Modi*, (supra), the Hon'ble Supreme Court reiterated that the complainant is not required to establish the entire prosecution case at the stage of issuance of process. These decisions reinforce the principle that proceedings disclosing the essential ingredients of a statutory offence should not be terminated merely because the accused disputes the allegations or raises matters that require evidentiary determination.

15. The petitioner's reliance upon its statutory permissions, the functioning of its ETP, the utilisation of treated wastewater for aquaculture and irrigation, and its asserted use of scientific methods for the disposal of animal waste is relevant to its defence. Nevertheless, the existence of statutory permissions or the operation of an ETP does not, by itself, conclusively exclude the possibility of a contravention of Section 24 of the Water Act. The question is whether the alleged conduct attracted the statutory prohibition notwithstanding the measures claimed to have been adopted by the petitioner. That question cannot be conclusively determined merely by accepting the petitioner's version in preference to the allegations in the complaint.

16. Likewise, the issuance of regulatory directions on 24.12.2016 and 02.03.2017, including the grant of time for compliance, does not automatically extinguish criminal liability for an alleged contravention committed earlier. The legal effect of those directions and the circumstances surrounding the decision to initiate prosecution must be assessed in the context of the applicable statutory provisions and the relevant record. The fact that the Task Force Committee is alleged to have decided to initiate prosecution on the same day on which further time for compliance was granted does not, without more, establish that the prosecution was instituted arbitrarily or constituted a colourable exercise of power.

17. In *Rajiv Thapar* (supra), the Hon'ble Supreme Court explained the circumstances in which material produced by an accused may justify quashing criminal proceedings. Such material must be of sterling and impeccable quality, must conclusively rule out the factual assertions underlying the accusations, must not be capable of being justifiably refuted and must demonstrate that continuation of the proceedings would amount to an abuse of the process of law.

18. Applying the aforesaid principles, the petitioner's assertions concerning its waste-disposal methods, the functioning of its ETP and its compliance with the Board's directions do not, on the material described in the pleadings, conclusively negate the allegations forming the basis of the complaint. Those assertions raise matters that may be relied upon by the petitioner in its defence and assessed by the trial Court in the light of the evidence adduced. This Court cannot, in proceedings under Section 482 Cr.P.C., resolve those disputed questions of fact by conducting a comparative evaluation of the petitioner's explanation and the prosecution's material.

19. The petitioner has also challenged the manner in which the learned Magistrate took cognizance of the complaint, contending that the order was passed mechanically without proper consideration of the

allegations and supporting material. The requirement that a Magistrate apply judicial mind before issuing process is well settled.

20. In *Pepsi Foods Ltd.* (supra), the Hon'ble Supreme Court held that summoning an accused is a serious matter and that the Magistrate must apply judicial mind to the facts, allegations, supporting material and applicable law. In *Mehmood Ul Rehman* (supra), the Hon'ble Supreme Court similarly emphasised the requirement of judicial application of mind to the complaint and the material placed on record. The petitioner has also relied upon *J.M. Laboratories* (supra), in support of the requirement that the order issuing process reflect due application of judicial mind.

21. The legal principle is not in dispute. However, a finding that the learned Magistrate acted mechanically must be founded upon a demonstrable defect in the order and the proceedings leading to it, and cannot rest solely upon the petitioner's assertion. On the materials described in the present pleadings, no specific defect has been established that demonstrates that the proceedings are liable to be quashed on this ground. The absence of an elaborate discussion of every item of evidence, by itself, would not establish non-application of judicial mind. Accordingly, the challenge to cognizance, as advanced on the basis of the material placed for consideration, does not furnish a sufficient ground for quashing the proceedings.

22. As regards the liability of the company's directors and managers, Section 47 of the Water Act governs the circumstances in which persons in charge of, and responsible for the conduct of, a company's business may be proceeded against for offences committed by the company, subject to the statutory requirements and available defences. In *Sunil Bharti Mittal* (supra), the Hon'ble Supreme Court explained that criminal liability does not automatically attach to an individual merely because that person holds a particular office in a company. The liability of an individual must be determined in accordance with the applicable statutory provision and the allegations concerning that individual's role and responsibility.

23. To the extent that the proceedings are directed against the petitioner's directors or managers, their liability must accordingly be examined with reference to Section 47 of the Water Act, as applicable during the relevant period, and the specific allegations made against each of them. The liability of the company and that of its officers cannot be treated as interchangeable. The continuation of proceedings against the company does not, by itself, establish the criminal liability of any individual officer. Equally, the question of individual liability must be determined on the applicable statutory requirements and the record pertaining to the person concerned.

24. The 2nd respondent has also relied upon *Vellore Citizens Welfare Forum* (supra), in which the Hon'ble Supreme Court recognised the precautionary principle and the polluter-pays principle as essential features of environmental law. These principles underscore the importance of preventing environmental harm and ensuring accountability for pollution. Their application, however, does not dispense with the requirement that the prosecution establish the ingredients of the particular criminal offence alleged. Environmental protection and the enforcement of pollution-control legislation must operate consistently with the statutory requirements governing criminal liability and the procedural safeguards available to an accused.

25. Upon an overall consideration of the rival submissions, this Court finds that the petitioner's principal defence rests upon its assertion that it maintained adequate pollution-control measures, operated an ETP, scientifically processed animal waste and complied with the directions issued by the Board. The 2nd respondent, in contrast, relies upon the alleged improper burial of animal waste, complaints concerning contamination of water sources, laboratory analyses, inspection-related material and correspondence allegedly referring to the removal of buried waste and the treatment of stagnant water.

26. The dispute thus concerns the nature and method of waste disposal, the alleged entry of polluting matter into water sources or onto land, the significance of the laboratory findings and the petitioner's compliance with the applicable regulatory directions. These matters require evaluation of the evidence and cannot appropriately be determined by conducting a mini-trial in proceedings under Section 482 Cr.P.C.

27. This Court is conscious that the inherent jurisdiction cannot be declined merely on the ground that the allegations involve disputed questions of fact. The Court must first examine whether the complaint discloses the essential ingredients of the alleged offence, whether the complaint is maintainable and whether the proceedings fall within any of the categories recognised in *Bhajan Lal* (supra). Having considered the grounds advanced by the petitioner and the material described in the pleadings, this Court finds that the allegations concerning the alleged improper disposal of animal waste and contamination of water sources, read with the laboratory findings and other material relied upon by the Board, disclose a prima facie basis for the prosecution to proceed. The petitioner has not established that its defence conclusively rules out the prosecution case, that the proceedings are manifestly attended by mala fides, or that continuation of the

prosecution would otherwise amount to an abuse of the process of the Court.

28. The grounds urged by the petitioner, therefore, do not warrant exercise of the inherent jurisdiction of this Court to quash the criminal proceedings. The truth or otherwise of the allegations, the evidentiary value of the laboratory reports, the alleged connection between the petitioner's activities and the contamination complained of, the methods of waste disposal adopted by the petitioner and its compliance with the Board's directions shall be determined by the trial Court on the basis of the evidence adduced in accordance with law. No opinion expressed herein shall be treated as a finding on the guilt or innocence of the petitioner or any other accused.

29. In view of the foregoing discussion, this Court finds no sufficient ground to quash the criminal proceedings. The Criminal Petition is accordingly dismissed.

Having regard to the pendency of the proceedings since 2017, the learned trial Court is directed to proceed with the case in accordance with law and endeavour to dispose of the proceedings on priority, as expeditiously as possible, without granting unnecessary adjournments and subject to the requirements of a fair trial.

It is clarified that the observations made in this order are confined to the adjudication of the prayer for quashing the criminal

proceedings. The learned trial Court shall independently assess the evidence placed before it, determine the issues arising for consideration in accordance with law and shall not be influenced by any observation made herein on the merits of the allegations. Nothing stated in this order shall prejudice the rights and contentions of either party or be construed as a conclusive finding concerning the alleged pollution or the criminal liability of the petitioner or any other accused.

Consequently, all pending miscellaneous applications, if any, shall stand closed.

Date: 28.10.2026

N.TUKARAMJI, J

Note: L.R. copy to be marked.
B/o
MRKR