

# Shri Ganesh S/O. Hiriya Poojari vs The State Of Karnataka on 13 February, 2024

**Author: N.S.Sanjay Gowda**

**Bench: N.S.Sanjay Gowda**

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NC: 2024:KHC-D:3226

CRL.P No. 100442 of 2024

IN THE HIGH COURT OF KARNATAKA,  
DHARWAD BENCH  
DATED THIS THE 13TH DAY OF FEBRUARY, 2024  
BEFORE  
THE HON'BLE MR JUSTICE N.S.SANJAY GOWDA  
CRIMINAL PETITION NO. 100442 OF 2024

BETWEEN:

SHRI. GANESH S/O. HIRIYA POOJARI,  
AGE. 35 YEARS, OCC. BUSINESS,  
R/O. ALANAVAR CROSS, ALANAVAR,  
DISTRICT. DHARWAD, PIN-582201.

... PETITIONER

(BY SHRI T.R. PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA,  
FOOD SAFETY OFFICER,  
HUBBALLI-DHARWAD,  
R/BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
DHARWAD, PIN-580011.

... RESPONDENT

MANJANNA

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Digitally signed by

MANJANNA E

Date: 2024.02.17

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(BY SHRI. P.N. HATTI, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.,

PRAYING TO QUASH THE PRIVATE COMPLAINT NO.771/2018  
AND ORDER OF TAKING COGNIZANCE AND ISSUANCE OF  
PROCESS ORDER DATED 04.02.2019 IN CC NO.176/2019 BY  
THE LEARNED III ADDL.CIVIL JUDGE AND JMFC COURT,  
DHARWAD FOR OFFENCE PUNISHABLE FOR OFFENCE U/S 59  
OF THE FOOD SAFETY AND STANDARDS ACT 2006.

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

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NC: 2024:KHC-D:3226

CRL.P No. 100442 of 2024

ORDER

1. This petition is filed challenging the initiation of criminal proceedings against the petitioner, who is the owner of a hotel, in which a substandard tomato sauce is alleged to have been served to the customers.
2. The complaint indicates that, the company which was supposed to have manufactured the tomato sauce has not been arrayed as an accused. It is therefore clear that a proceeding initiated in the absence of the company would be vitiated.
3. Consequently, the impugned proceedings initiated against the petitioner are quashed. Accordingly, the criminal petition is allowed.

Sd/-

JUDGE EM/CT:BCK