



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2025

BEFORE

THE HON'BLE MS. JUSTICE J.M.KHAZI

CRIMINAL PETITION NO. 8536 OF 2023

(482(Cr.PC) / 528(BNSS))

BETWEEN:

MR. ROHIT JAWA
SON OF VED PRAKASH JAWA
AGED ABOUT 56 YEARS,
WORKING AS MANAGING DIRECTOR
HINDUSTAN UNILEVER LIMITED
UNILEVER HOUSE, B.D. SAWANT MARG
CHAKALA, ANDHERI(E)
MUMBAI-400099, MAHARASHTA
REPRESENTED BY THE MANAGING DIRECTOR
...PETITIONER

(BY SRI.AHAAN MOHAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH FOOD SAFETY OFFICER
HEBBALA CIRCLE, BBMP NORTH ZONE
PUBLIC HEALTH INSTITUTE PREMISES
SHESHADRI ROAD, BENGALURU-560001
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. MR. MOHAMMED GHOUSE
SON OF ABDUL HAMEED,





AGED ABOUT 58 YEARS,
PROPRIETOR
DOWNTOWN SUPER MARKET
19TH MAIN, 44TH CROSS, KALYANA NAGARA POST,
DR. ABDUL KALAM ROAD, HBR LAYOUT,
HEBBALA CIRCLE, BENGALURU-560043.

...RESPONDENTS

(BY SRI.VENKAT SATYANARAYAN.A, HCGP FOR R1;
SRI.HAJIRA.B.I, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC BY THE ADVOCATE FOR THE PETITIONER PRAYING TO 1) SET ASIDE THE IMPUGNED ORDER DATED 26.06.2023 (ANNEXURE-A) PASSED BY THE LEARNED PRESIDING OFFICE SPECIAL COURT FOR ECONOMIC OFFENCES, BENGALURU, TAKING COGNIZANCE OF OFFENCES PUNISHABLE U/S 51 AND 59 OF THE FOOD SAFETY AND STANDARDS ACT, 2006 AND ISSUING SUMMONSES TO THE ACCUSED INCLUDING THE PETITIONER AND ETC.,

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

CORAM: HON'BLE MS. JUSTICE J.M.KHAZI

ORAL ORDER

In this petition filed under Section 482 Cr.P.C, petitioner who is arraigned as accused No.2 has sought for quashing criminal proceedings initiated against him in C.C.No.57/2023 on the file of Spl.Court for economic offences and set aside the impugned order dated 26.06.2023, taking cognizance for the offences



punishable and Sections 51 and 59 of Food and Safety Standards Act, 2006.

2. For the sake of convenience, the parties are referred to by their ranks before the trial Court.

3. In support of the petition, petitioner has contended that he is the Managing Director and Chief Executive Officer of Hindustan Unilever Ltd. Respondent No.1 who is the Food Safety Officer, Hebbal Circle has filed the complaint alleging that in respect of food supply of Horlicks biscuits purportedly collected from the premises of respondent No.2, the sample was found unsafe and it contained pesticide Chloropyrifos beyond the specified limits and as such substandard and unsafe for human consumption. The tests prescribed under Food, Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011 are applicable only to raw ingredients and not finished products. Without due application of mind the trial Judge has passed the order



taking cognizance and without noticing that petitioner is neither a manufacturer nor liable in terms of proviso to 66 of Act.

3.1 The impugned order is passed without application of mind, in a cyclostyled and perfunctory manner without assigning any reason. The company is not a party. In the absence of the company, petitioner is not liable and hence the petition.

4. On the other hand, learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2 submitted that Managing Director is incharge and responsible for the conduct of the business of the company. However, in the absence of the company, the Managing Director cannot be proceeded and in the event of quashing the proceedings, liberty may be reserved to file fresh petition by impleading the company.



5. Heard arguments and perused the record.

6. Thus, petitioner who is the Managing Director and Chief Executive Officer of Hindustan Unilever Ltd has challenged his prosecution on various grounds, including the ground that company is not made party and in its absence, prosecution against him is not sustainable.

7. In support of his arguments, learned counsel for petitioner has relied upon the following decisions:

- (i) *Hindustan Unilever Limited Vs. The State of Madhya Pradesh (**Hindustan Unilever Ltd**)*¹
- (ii) *Pepsico India Holdings Pvt. Ltd Vs. Food Inspector and Ors. (**Pepsico India Holdings**)*²
- (iii) *Neeraj Shastri and Ors. Vs. State of Jammu and Kashmir and Ors. (**Neeraj Shastri**)*³
- (iv) *Puneet Sharma Vs. State of M.P Station House Officer (**Puneet Sharma**)*⁴
- (v) *P.V.G Srinivasa Rao Vs. State of TS (**P.V.G. Srinivasa Rao**)*⁵

¹ CrI.A.No.715/2020[SLP(CrI)No.578/2020 dt: 05.11.2020]

² CrI.A.No.836/2010 dt: 18.11.2010]

³ MANU/JK/0078/2023 [CRMC No.291/2016 Dt: 16.02.2023]

⁴ MANU/MP/2643/2023 [Misc.CrI.Case No.5958/2021 Dt:14.09.2023]

⁵ MANU/TL/2692/2022 [CrI.P.No.4422/2017 Dt:19.09.2022]



- (vi) *Ravinder Kumar Agarwal Vs. The State of Madhya Pradesh and Ors. (**Ravinder Kumar Agarwal**)*⁶
- (vii) *Reckitt Benckiser (India) Pvt.Ltd and Ors. Vs. The State of Bihar and Ors. (**Reckitt Benckiser**)*⁷
- (viii) *Sanjeev Uppal Vs. The State of Andhra Pradesh and Ors. (**Sanjeev Uppal**)*⁸

8. In the above decisions, the prosecution against the accused came to be quashed on the ground that company is not made a party.

9. At this stage it is relevant to refer to Section 66 of the Food, Safety and Standards Act, 2006 which deals with offences by companies. It reads as follows:

"66. Offences by companies

(1) Where an offence under this Act which has been committed by a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

⁶ MANU/MP/3118/2023 [Misc.Crl.Case No.27698/2019 Dt:17.03.2023]

⁷ MANU/BH/1188/2017 [Crl.Misc.Nos.24952 & 36986/2017 Dt:08.12.2017]

⁸ MANU/AP/1652/2024 [Crl.P.No.8213/2018 Dt:04.10.2024]



PROVIDED that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit:

PROVIDED FURTHER that nothing contained in this sub-Section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

10. This provision is similar to Section 141 of Negotiable Instruments Act which also deals with dishonour of cheques issued for and on behalf of the company and when the drawer of the cheque, Managing Director, Joint Managing Director, other Directors and



officials who are incharge and responsible for the conduct of the business are prosecuted on the ground that they are vicariously liable for the offence committed by the company, it is mandatory also to arraign the company as accused and in its absence, they are not liable.

11. In the Food, Safety and Standards Act also, when every person who at the time the offence was committed was incharge of and responsible to the company for the conduct of business of the company, then the company as well as such person shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished.

12. Therefore, the presence of the company is necessary in order to hold such person liable. Admittedly, in the present case, the company is not arraigned as an accused and therefore, the petitioner who is sole accused cannot be proceeded against. For this reason, the criminal proceedings against the accused are liable to be



quashed. However, the complainant is at liberty to file fresh complaint by implicating the company also and thereafter proceed further and accordingly, the following:

ORDER

- (i) Petition filed by the accused No.2 under Section 482 Cr.P.C is hereby allowed.
- (ii) The impugned complaint in C.C.No.57/2023 on the file of Special Court for Economic Offences, Bengaluru, for the offences punishable under Sections 51 and 59 of Food Safety and Standards Act, is hereby quashed.
- (iii) However, liberty is reserved to the complainant to file a fresh complaint against the accused, by also arraigning the company as additional accused, if so advised.
- (iv) The Registry is directed to send a copy of this order to the trial Court through e-mail.



**NC: 2025:KHC:23989
CRL.P No. 8536 of 2023**

In view of disposal of the petition, pending application/s, if any, stands disposed off, as no separate order is required.

**Sd/-
(J.M.KHAZI)
JUDGE**

RR
List No.: 1 Sl No.: 50