HC-KAR

NC: 2026:KHC:63320
CRL.P No. 355 of 2023
C/W CRL.P No. 447 of 2023

CNR: KAHC010015402023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 355 OF 2023
C/W
CRIMINAL PETITION NO. 447 OF 2023

IN CRL.P No. 355/2023:

BETWEEN:

1. SRI P. SRINIVAS
S/O SRIRAM
AGED ABOUT 48 YEARS
DIRECTOR OF M/S MEDPLUS
(UNIT OF RITE MED PHARMA RETAIL PVT. LTD.)
R/A H.NO.17-1-391/T/126
SINGARENI COLONY
SARASWATHI NAGAR
SAIDABAD, HYDERABAD - 500 059.

2. SRI M. SURENDRANATH
AGED ABOUT 49 YEARS
DIRECTOR INCHARGE OF M/S MEDPLUS
(UNIT OF RITE MED PHARMA RETAIL PVT. LTD.)
H NO.8-3-301/92, LAKSHMINAGAR COLONY
SHAIKPET, HYDERABAD - 500 008.

...PETITIONERS

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

(BY SRI AKKI MANJUNATH GOWDA K, ADV.)

AND:

THE STATE OF KARNATAKA
BY ASSIST DRUGS CONTROLLER-I
BENGALURU CIRCLE-4
BENGALURU - 560 001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.7712/2019 WHICH IS PENDING

BEFORE THE III A.C.M.M., BANGALORE REGISTERED BY RESPONDENT FOR THE OFFENCE P/U/S 26 OF DRUGS (PRICE CONTROL) ORDER, 2013 R/W SEC.7(1)(s)(ii), 7 AND 11 OF ESSENTIAL COMMODITIES ACT, AGAINST THE PETITIONERS/ACCUSED NO.3 AND 4.

IN CRL.P NO. 447/2023:

BETWEEN:

1. M/S MEDPLUS
(UNIT OF RITEMED PHARMA
RETAIL PVT LTD.)
PADMANABHANAGAR
BANGALORE - 560 070.

2. SRI SUDHAKAR REDDY
AUTHORIZED SIGNATORY OF MEDPLUS
(UNIT OF RITEMED PHARMA
RETAIL PVT LTD.)
S/O SRI K NARASIMHA REDDY
AGED ABOUT 45 YEARS
RESIDING AT NO.71 SECOND MAIN ROAD
NAIDU LAYOUT, BSK III STAGE
BANGALORE - 560 061.

3. SRI RANGASWAMY K
PERSONAL IN CHARGE OF MEDPLUS
(UNIT OF RITEMED PHARMA
RETAIL PVT LTD.)
S/O D. HANUMAIAH
AGED ABOUT 35 YEARS
NEAR KADIRENAHALLI BUS STOP
KADIRENAHALLI, BANGALORE - 560 070.

...PETITIONERS

(BY SRI AKKI MANJUNATH GOWDA K, ADV.)

AND:

THE STATE OF KARNATAKA
BY ASST. DRUGS CONTROLLER-I
BENGALURU CIRCLE-4
BENGALURU - 560 001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.7712/2019 WHICH IS PENDING ON THE FILE OF III ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU REGISTERED BY RESPONDENT FOR THE OFFENCE P/U/S 26 OF DRUGS (PRICE CONTROL) ORDER 2013 R/W SECTION 7(1)(a)(ii), 7 AND 11 OF ESSENTIAL COMMODITIES ACT, AGAINST THE PETITIONERS/ACCUSED NO.1, 2 AND 5.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. These two petitions under Section 482 of Cr.PC are filed by accused nos.1 to 5 with a prayer to quash the entire proceedings in C.C.No.7712/2019 pending before the Court of III Addl. Metropolitan Magistrate, Bengaluru, for the offences punishable under Clause 26 of the Drugs (Price Control) Order, 2013, and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955.

2. Heard the learned Counsel for the parties.

3. Perusal of the private complaint filed against the petitioners herein by the respondent would go to show that the allegation against the petitioners is that on 23.08.2016 he had

supplied Lanzol Junior 15 mg tablets to one Shrinath Joshi, Senior Reporter, ETV Kannada News, Bengaluru, and on 26.08.2016, a complaint was lodged by the aforesaid Shrinath Joshi, alleging that though in the bill raised by the petitioners, amount of Rs.40.32 was collected towards 8 tablets, the accused had supplied only 7 tablets and excess amount of Rs.1.12 was collected by them. It is under these circumstances, a private complaint was registered against the petitioners for the aforesaid offences.

4. Clause 26 of the Drugs (Price Control) Order, 2013, reads as under:

> "**26. Control of sale prices of formulations.–** No person shall sell any formulation to any consumer at a price exceeding the price specified in the current price list or price indicated on the label of the container or pack thereof, whichever is less."

5. A reading of the aforesaid provision of law would indicate that the said provision would get attracted only if a person sells any formulation to any consumer at a price exceeding the price specified in the price list or the label of the container or pack thereof, whichever is less.

6. In the case on hand, the allegation against the accused is that they had supplied 7 tablets instead of 8 tablets and they had collected excess amount of Rs.1.12 from the complainant. It is not the case of the prosecution that the accused persons had collected excess amount than the price indicated on the label of the container or pack thereof, whichever is less. Under the circumstances, I am of the opinion that prosecution of the petitioners for the aforesaid offences would not only cause embarassment to them, but would also amount to abuse of process of law. Accordingly, the following order:

7. Petitions are allowed. The entire proceedings in C.C.No.7712/2019 pending before the Court of III Addl. Metropolitan Magistrate, Bengaluru, for the offences punishable under Clause 26 of the Drugs (Price Control) Order, 2013, and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, stands quashed.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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