IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 1663 OF 2021

BETWEEN:

1. DAVINDER SINGH BRAR
S/O MALKIYAT SINGH BRAR
AGED ABOUT 68 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ
NEW DELHI-110070.

2. KENICHI AYUKAWA
S/O KATSUKI AYUKAWA
AGED ABOUT 65 YEARS
RESIDING AT F-071
PARK PLACE, DLF CITY
PHASE V, GURGAON
HARYANA-122002

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

3. KAZUHIKO AYABE
S/O TAKAO AYABE
AGED ABOUT 63 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ
NEW DELHI-110070

4. RAJINDER PAL SINGH
S/O WARYAM SINGH
AGED ABOUT 69 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ
NEW DELHI-110070.

ADDRESS IN ANNEXURE-B:

M/S. MARUTI SUZUKI INDIA LIMITED
3B, HUDCO PLACE, NEW DELHI-110049.

5. SHIGETOSHI TORII
S/O SHIGEYOSHI TORII
AGED ABOUT 61 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ, NEW DELHI-110070.

ADDRESS IN ANNEXURE-B:

M/S. MARUTI SUZUKI INDIA LIMITED
NO.13/101, HERITAGE CITY
M.G. ROAD, GURGAON-122002.

6. TOSHHIRO SUZUKI
S/O OSAMU SUZUKI
AGED ABOUT 61 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ, NEW DELHI-110070

7. RAVINDRA CHANDRA BHARGAVA
S/O MAHESH PRASAD BHARGAVA
AGED ABOUT 86 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ, NEW DELHI-110070

ADDRESS IN ANNEXURE-B:

M/S. MARUTI SUZUKI INDIA LIMITED
NO.220, SECTOR-15A, NOIDA
GHAZIABAD-201301.

8. PALLAVI SHARDUL SHROFF
D/O PRAFUL CHANDRA NATWARLAL BHAGWATI
AGED ABOUT 64 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ, NEW DELHI-110070.

ADDRESS IN ANNEXURE-B:

M/S. MARUTI SUZUKI INDIA LIMITED
NO.2-270, GREATER, KAILASH-2
NEW DELHI-110048.

9. RAVI SANGAM AIYAR
S/O LATE SHRI. M.N. SANGAM
AGED ABOUT 62 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ
NEW DELHI-110070

ADDRESS IN ANNEXURE-B:

M/S. MARUTI SUZUKI INDIA LIMITED
ESOACE-130, NIRVANA
COUNTRY SOUTH CITY
SECTOR-50, GURGAON-122002.

10. KINJI SAITO
S/O SHIGEO SAITO
AGED ABOUT 62 YEARS
M/S. MARUTI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ
NEW DELHI-110070

PETITIONER NOS.1 TO 10 ARE
REPRESENTED BY THEIR GPA HOLDER
SRI. THAKUR KIRAN SINGH
AGED ABOUT 43 YEARS
HAVING OFFICE ADDRESS AT
MARUTHI SUZUKI INDIA LIMITED
NO.1, NELSON MANDELA ROAD
VASANT KUNJ
NEW DELHI-110070

…PETITIONERS

(BY SRI. UDAY HOLLA, SENIOR COUNSEL FOR
SMT. MONICA PATIL, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH THE INSPECTOR OF LEGAL
METROLOGY FLYING SQUAD
AUTO AND TAXI UNIT
BANGALORE-560052.

…RESPONDENT

(BY SRI. SUHAS GOWDA M., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE IMPUGNED ORDER DATED 26.11.2016 IN C.C.NO.36292/2016 PASSED BY THE LEARNED METROPOLITAN MAGISTRATE, TRAFFIC COURT-1, MAYO HALL, THE IMPUGNED SUMMONS DATED 16.10.2020 RECEIVED BY THE PETITIONERS ON 01.02.2021, AND IMPUGNED COMPLAINT DATED 15.10.2016 FILED ON 15.11.2016 UNDER SECTION 200, CR.PC AND THE IMPUGNED SEIZURE RECEIPT NO.0451238 DATED 19.05.2016; (PRODUCED AS ANNEXURES A, B, C, D) IN C.C.NO.36292/2026, PENDING BEFORE THE I METROPOLITAN MAGISTRATE TRAFFIC COURT.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 04.11.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

Heard learned Senior counsel appearing for the petitioners and the learned High Court Government Pleader appearing for the respondent.

2. This petition is filed under Section 482 of Cr.P.C. praying this Court to quash the impugned order dated 26.11.2016 passed by the learned Metropolitan Magistrate,

Traffic Court-1, Mayo Hall, Bangalore in C.C.No.36292/2016, wherein impugned summons dated 16.10.2020 was issued and so also, the complaint dated 15.10.2016 filed on 15.11.2016 under Section 200 of Cr.P.C. and pass such other order.

3. The factual matrix of case of complainant-respondent is that respondent conducted a search at the premise of R.N.S. Motors Limited, a dealership of Maruti Suzuki India Limited ("Maruti"). Thereafter, respondent sent a compounding notice under Section 48 of the Legal Metrology Act, 2009 ("the Act" for short) to R.N.S. Motors Limited, the dealership of Maruti, naming Maruti as the manufacturer. Consequently, the petitioners with a letter stating that there has been no violation of the Act, requested the respondent to withdraw the notice. The respondent sent a compounding notice addressed to the Maruti again naming the latter as the manufacturer and respondent sent a clarification-cum-compounding notice addressed to Maruti reiterating its stand regarding the alleged violation of the Rules and the Act. Thereafter, respondent filed the impugned complaint before the learned Magistrate and issued process. Hence, the present petition is filed challenging the impugned order taking cognizance.

4. The petitioners in the petition mainly contend that complaint is filed without arraigning the company i.e., Maruti as an accused, despite describing Maruti as the manufacturer in the initial compounding notice and correspondence and proceeded against these petitioners and in the absence of company, the Directors in their capacity cannot be prosecuted. In support of this contention, the learned Senior counsel relied upon judgment of the Apex Court in **ANEETA HADA vs. GODFATHER TRAVEL**S reported in **(2012) 5 SCC 661** and subsequently, reaffirmed in **SHARAD SANGHI vs. SANGITA RANE** reported in **(2015) 12 SCC 781** and **AJIT BALSE vs. RANGA KARKERE** reported in **(2015) 15 SCC 748.** It is contended that there cannot be invoking Section 36 of the Act against these petitioners and this Court has also interpreted Section 36 of the Act and held that alleged violation of Rules, simplicitor do not constitute the offence envisaged under Section 36 of the Act.

5. In the present case, there is no allegation of any mis-declaration or there being any discrepancy between the commodities inside and the declarations on the package. Further, Section 18 of the Act is not a penal offence and penal liability, if any must be under Section 36 of the Act and the

same has not been made out. The Apex Court has repeatedly laid down that, in order to proceed against individuals vicariously, it is necessary to have clear and precise averments regarding their role, both in the company and the alleged offence.

6. The learned Senior counsel for the petitioners also in support of his argument relied upon Annexure-A i.e., the proceedings initiated against the petitioners i.e., the order sheet, Annexure-B i.e., copy of complaint, Annexure-C-Form No.1, Annexure-D i.e., violation notice, Annexure-E-Panchanama, Annexure-F-notice dated 19.05.2016, Annexure-G-Certificate of Registration, Annexure-H-letter dated 13.06.2016, Annexure-J-notice dated 14.06.2026, Annexure-K-clarification-cum-compunding notice and Annexure-L-copy of the appeal preferred by Maruthi. The counsel referring these Annexures and the principles laid down in the judgments of the Apex Court contends that Section 49 of the Act mandates company ought to be made a party in a complaint.

7. Learned Senior counsel appearing for the petitioners though filed list of citations, apart from the judgment of Apex Court in ***Aneeta Hada's*** case, the counsel

brought to notice of this Court order passed in **W.P.No.4502/2020** dated 01.12.2020 and brought to notice of this Court paragraph No.14.16, wherein discussion was made with regard to holding that affixation of a label containing some of the variable information would not amount to an offence and/or violation of Rule 6(1)(a), Rule 6(1)(b) and Rule 6(1)(aa) of the Legal Metrology (Package Commodities) Rules, 2011 so long as the label is present on the package at the time of sale, since the same allegation is made against the petitioners in the case on hand.

8. Per contra, the learned High Court Government Pleader for the respondent-State would contend that non-arraigning the company as party to the proceedings is a curable defect. The product contains all the details while packing and the same cannot be a defence to be considered in a petition under Section 482 of Cr.P.C. It is contended that it is not labelled and it is not a genuine product and the same is confiscated by conducting a search and it is an offence. Hence, there cannot be any quashment of the order passed by the learned trial Judge and the learned trial Judge has not committed any error while passing the order taking cognizance.

9. In reply to this argument of the learned High Court Government Pleader for the respondent-State, learned Senior counsel appearing for the petitioners would vehemently contend that Directors are before the Court and not even R.N.S. Motors Limited and company is not made as a party and there is a foundational defect.

10. Having heard learned Senior counsel appearing for the petitioners and also the learned High Court Government Pleader appearing for the respondent-State, the points that would arise for consideration of this Court are:

(i) Whether the prosecution made against the petitioners are sustainable in the eye of law and whether this Court can exercise the power under Section 482 of Cr.P.C. to quash the proceedings?

(ii) What order?

Point No.(i):

11. The first and foremost contention before the Court is that Marathi Suzuki India Limited is the manufacturer of seat covers and wax polish. No doubt, on 19.05.2016, respondent seized two packets each containing seat cover and wax polish

from the premises of R.N.S. Motors Limited, admittedly, R.N.S. Motors Limited is a dealer of Maruti Suzuki India Limited as per Annexure-F, which is filed along with this petition.

12. No doubt, notice was issued by the respondent vide Annexure-J dated 14.06.2016, it is specifically stated that manufacturer of seat cover and wax polish is Maruti Suzuki India Limited and it is categorically stated that manufacturer of seat cover and wax polish is Maruti Suzuki India Limited. Thereafter, clarification-cum-compounding notice was also issued on 14.08.2016 as per Annexure-K and the respondent-State filed the complaint invoking Section 18(2) read with Section 36 of the Act. It is also not in dispute that learned Magistrate has taken cognizance and issued summons.

13. But, the main contention is that Maruti Suzuki India Limited is not made as a party to the proceedings, but Directors are made as parties. The learned Senior counsel appearing for the petitioners would vehemently contend that Section 49(1) of the Act mandates company ought to be made as a party in a complaint. The learned High Court Government Pleader for the respondent-State also not disputes the fact that company has

not been arraigned as accused, but only contented that it is a curable defect.

14. Having perused the principles laid down in the judgment of ***Aneeta Hada's*** case and the other judgments which have been relied upon by learned Senior counsel appearing for the petitioners, it is very clear that, if the company is not made as a party, there cannot be criminal prosecution and the same is required to be quashed. So also, in the order passed by this Court in **W.P.No.4502/2020** dated 01.12.2020, this Court has held that individual stickers being affixed, does not violate the Act or the Rules, as referred supra. When such being the case, in the absence of company being made as party to the proceedings and unless the company is arraigned as accused, the Directors cannot be held responsible and there cannot be any liability on the individuals, who are working as Directors and there must be specific pleading against them and without any pleading also, there cannot be any vicarious liability.

15. Under the circumstances, I am of the opinion that the grounds which have been urged in the petition substantiate the contention of the petitioners. Hence, the petitioners have

made out the ground to invoke the provisions under Section 482 of Cr.P.C. to quash the proceedings, in keeping Section 49(1) of the which mandates company ought to be made as a party in a complaint. Admittedly, in the complaint which is produced along with the petition, the company is not made as an accused and hence, there cannot be any criminal prosecution against the petitioners. If this Court fails to exercise the power under Section 482 of Cr.P.C., it amounts to miscarriage of justice.

16. The Apex Court also in the judgment in **PEPSI FOODS LTD. vs. SPECIAL JUDICIAL MAGISTRATE** reported in **(1998) 5 SCC 749** also held that, if there is no material, there cannot be any criminal prosecution and therefore, continuing the proceedings against the petitioners herein amounts to an abuse of process of law. Hence, I answer point No.(i) accordingly.

Point No.(ii):

17. In view of the discussion made above, I pass the following:

ORDER

(i) The criminal petition is ***allowed***.

(ii) The impugned order dated 26.11.2016 passed by the learned Metropolitan Magistrate, Traffic Court-1, Mayo Hall, Bangalore in C.C.No.36292/2016, wherein impugned summons dated 16.10.2020 was issued against the petitioners and so also, the complaint dated 15.10.2016 filed on 15.11.2016, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

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