

# Nitin Jain Alias Nitin Kumar Jain vs Ut Of J&K And Ors on 23 August, 2023

**Author: Moksha Khajuria Kazmi**

**Bench: Moksha Khajuria Kazmi**

Sr.No. 215

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU

CRM(M) No.706/2023

Nitin Jain alias Nitin Kumar Jain

....Petitioner(s)/Appella

Through :- Mr. Rohit Kohli, Advocate.

V/s

UT of J&K and ors.

....Respondent

Through :-

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

## ORDER

01. In the instant petition, the petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C. seeking quashment of complaint No.446/2017 titled State V/s Manoj Kumar and anr. under Section 26(2) (i) read with Section 59

(i) of Food Safety and Standards Act, 2006 and order dated 18.02.2017 whereby the Court of learned 2nd Additional Munsiff, Jammu took the cognizance and the process has been initiated against the petitioner.

02. Learned counsel for the petitioners states that in the complaint, petitioner has been shown as Proprietor of M/s Sunit Kumar Nitin Kumar Jain, as such, has been arrayed as accused No.2 which is not factually correct.

03. It is submitted that account in the name of proprietorship concern i.e. M/s Sunit Kumar Nitin Kumar Jain is being maintained with central Bank of India, Branch New Sabzi Mandi, Narwal, Jammu and Sh. Sunit Kumar Jain was the proprietor of Ms/ Sunit Kumar Nitin Kumar Jain. After the death of Sh. Sunit Kumar Jain on 02.09.2017, his wife namely Smt. Sushma Kumar Jain had been declared as proprietor of M/s Sunit Kumar Nitin Kumar Jain in terms of judgment and decree

dated 07.09.2018 passed by the court of Learned 3 rd Additional Munsiff, Jammu.

04. Issue notice to the respondents.

05. Ms. Aparna Gupta, learned counsel appearing vice Mr. Eishaan Dadhichi, learned GA waives notice on behalf of the respondents. She seeks and is granted two weeks' time to file objections.

06. List on 29.09.2023.

07. Meanwhile, subject to objections and till next date of hearing, the proceedings initiated against the petitioner subsequent to the filing of complaint No.446/2017 titled State V/s Manoj Kumar and anr. under Section 26(2) (i) read with Section 59 (i) of Food Safety and Standards Act, 2006 and order dated 18.02.2017 whereby the Court of learned 2nd Additional Munsiff, Jammu took the cognizance are stayed.

Alteration/modification on laying motion.

(MOKSHA KHAJURIA KAZMI) JUDGE Jammu:

23.08.2023 Eva