

# Rajesh Agarwal vs State Of Rajasthan on 19 April, 2022

**Author: Dinesh Mehta**

**Bench: Dinesh Mehta**

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR S.B. Criminal Misc(Pet.) No. 1820/2022 Rajesh Agarwal S/o Fatehlal, Aged About 50 Years, R/o Puranachamadakakarkhana, Neemuch (Mp).

----Petitioner Versus State Of Rajasthan, Through Pp

----Respondent For Petitioner(s) : Mr. Abhijeet Panchariya, through VC For Respondent(s) : Mr. Andaram Choudhary, PP JUSTICE DINESH MEHTA Order 19/04/2022

1. While inviting Court's attention towards the order dated 02.03.2022, learned counsel for the petitioner submits that for the same allegation, the competent Court has imposed a fine of Rs.15,000/- on the petitioner under the provisions of Food Safety and Standards Act, 2006 and therefore, registration of the impugned FIR against the petitioner amounts to violation of petitioner's right under Article 20(2) of the Constitution of India so also Section 300 of the Code of Criminal Procedure.

2. It is also contended by the learned counsel for the petitioner that on the basis of FIR, no offence under Section 420 of the Indian Penal Code is made out against the petitioner and so far as the other offences under Sections 269, 272, 273, 278 and 483 of the Indian Penal Code are concerned, except for Section 269 of the Indian Penal Code, they are all non-cognizable and therefore, police cannot register a case directly.

3. Matter requires consideration.

(2 of 2) [CRLMP-1820/2022]

4. Issue notice. Issue notice of stay application also, returnable within six weeks.

5. Meanwhile, further proceedings pending before the Additional Chief Judicial Magistrate No. 1, Nimbaheda, District Chittorgarh in Criminal Case No. 954/2021 pursuant to FIR No. 273/2021, registered at Police Station Nimbaheda, Chittorgarh shall remain stayed.

(DINESH MEHTA),J 48-akansha/-

Powered by TCPDF (www.tcpdf.org)