

Ravi Arora vs State Of U.P. And Another on 25 April, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:72616

Court No. - 92

Case :- APPLICATION U/S 482 No. - 8040 of 2024

Applicant :- Ravi Arora

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Chandni Tripathi, Jawahar Lal Dubey, Maneesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the applicant and Sri Uday Bhan, learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Criminal Complaint Case No.2522 of 2020 (State Vs. Ravi Arora), u/s 51 and 59(i) of Food Safety and Standards Act, 2006 (hereinafter referred to as 'the Act, 2006'), Police Station-Kotwali Nagar, District-Hapur, pending in the court of Additional Chief Judicial Magistrate, Hapur.
3. Contention of learned counsel for the applicant is that while issuing notice to the applicant, court below has not examined the complaint. It is further submitted that applicant was a seller of alleged recovered food item (Rangeen Kuchary) not the manufacturer, therefore, he has not committed any offence.
4. Considering the aforesaid submission and on perusal of record, it appears that Sections-51 and 59(i) of the Act, 2006 specifically provides that if any person sells any food item which is sub-standard then he is liable for the punishment under those sections. So far as contention of

learned counsel for the applicant that the complainant was not examined before issuing summons to the applicant is concerned that is also misconceived because as per Section 200(1) Cr.P.C., it is specifically provided if the complaint is filed by the public servant in discharge of his duty then his examination is not necessary.

5. In view of the above, this court does not find any good ground to interfere in the impugned proceeding. Therefore present application is rejected.

Order Date :- 25.4.2024 S.Chaurasia