

M/S Rajlaxmi Food India Pvt. Ltd Thru. ... vs State Of U.P. Thru. Secy. Home Civil ... on 21 December, 2023

Author: Rajeev Singh

Bench: Rajeev Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2023:AHC-LK0:84897

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12393 of 2023

Applicant :- M/S Rajlaxmi Food India Pvt. Ltd Thru. Proprietor Rajan Gupta And Another

Opposite Party :- State Of U.P. Thru. Secy. Home Civil Sectt. Govt. Lko

Counsel for Applicant :- Narendra Gupta, Pankaj Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. In pursuance of earlier order, Shri Rajesh Kumar Verma, Food Safety Officer, Lucknow Division, Shri Ajay Kumar Verma, Food Safety Officer, Sitapur Division and Shri Nand Lal, Food Safety Officer, Kanpur Division are present before this Court.

2. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

3. Present application has been moved by the applicants for quashing the summoning order dated 07.02.2020 passed by A.C.J.M.-I, Sitapur in Criminal Case No.216E/2020 (State Vs. Rajan Gupta and Anr.) under Sections 3(1)(a)(zz)(v)(vii) and (xi), 26(2)(i)(v) of Food Safety and Standards Act, 2006.

4. Learned counsel for the applicants submitted that one recovery memo was prepared and different samples were sent and on the basis of reports, three different complaints were filed which is not permissible. He further submitted that the report of the public analyst laboratory is not elaborative, in these circumstances, it cannot be said that the colour which was found in the article was injurious to health, therefore, kind indulgence of this Court is necessary.

5. Learned A.G.A. opposed the prayer of applicants and submitted that applicants are manufacturer of gram flour (besan) and adulteration was found in the article and the same was unsafe for human consumer in accordance with the provisions of Section 3(1)(a)(zz)(v)(vii) and (xi) of Food Safety and Standards Act, 2006, as the different samples were taken of the different articles and as a result, three different complaints were filed before the competent Courts and there is no illegality in the order passed by the trial court, therefore, application is liable to be dismissed.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is evident from the record that the report of public analyst report reveals that the article which was found in the gram flour was unsafe for the human consumption and all these defence of applicants can be considered by the trial court, therefore, the application is liable to be dismissed.

7. Accordingly, the application is hereby dismissed.

Order Date :- 21.12.2023 V. Sinha