

Gangi Rajput vs The State Of Madhya Pradesh on 26 June, 2021

Author: Vishal Dhagat

Bench: Vishal Dhagat

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The High Court Of Madhya Pradesh
WP-2484-2021

(GANGI RAJPUT AND OTHERS Vs THE STATE OF MADHYA PRADESH)

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Jabalpur, Dated : 26-06-2021

Heard through Video Conferencing.

Shri Akash Choudhary, learned counsel for the petitioners.

Shri Pushendra Verma, learned PL for the respondent/State.

Petitioner has filed this petition seeking quashing of FIR in Crime No.8/2021 for offences under section 420 and 269 read with 34 IPC.

Learned counsel for the petitioners submits that lodging of FIR is in violation of Section 4(2) read with Section 5 of CrPC. It is also submitted that in view of the provisions of Sections 41 and 42 of the Food Safety and Standards Act, 2006, the prosecution can be launched on the direction of the Commissioner on complaint under the Food Safety and Standard Act. It is further submitted that so far as other offences under sections 420 and 269 read with 34 of the I.P.C. are concerned, prima facie they are not made out from the FIR. As there is no cognizable offence, hence, no FIR can be lodged and no investigation can be made.

Having heard learned counsel for the petitioners, without commenting anything on the merit of the case, in view of this Court, prima facie, the contentions advanced by learned counsel for the petitioners have substance. Therefore, the police authorities are directed not to take any coercive action against the petitioners till next date of hearing.

List the matter after two weeks.

C.C as per rules.

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Signature

SAN Not

Verified