

# Lalit Vishnu Naik vs Union Of India on 27 November, 2024

**Author: Milind Ramesh Phadke**

**Bench: Milind Ramesh Phadke**

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IN THE HIGH COURT OF MADHYA PRADESH  
AT G W A L I O R

BEFORE  
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE  
ON THE 27th OF NOVEMBER, 2024  
WRIT PETITION No. 3524 of 2013  
(LALIT VISHNU NAIK  
Vs  
UNION OF INDIA)

Appearance:

(BY SHRI RAJESH BATRE- ADVOCATE WITH SHRI VISHAL TRIPATHI  
- ADVOCATE FOR PETITIONER)

(BY SHRI B.M. PATEL - GOVERNMENT ADVOCATE FOR  
RESPONDENT/STATE.

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ORDER

The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioners challenging the legality and validity of the complaints filed by the respondent No.5 and the consequent notice/order summoning all the petitioners by the respondent no.3 vide show cause notices dated 18.01.2023 informing the petitioners that cognizance of the complaint filed by the respondent No.5 has been taken and directing the petitioners to appear and show cause as to why they ought not be punished under Section 52 of the Food Safety and Standards Act, 2006 for alleged contravention of Section 26(1)(ii) and 27(2)(C) of FSS Act.

2. This Court in connected W.P. No.2665/2013, in similar facts and circumstances, has quashed the report of Food Analyst on account of the sample of food was not analysed by the accredited laboratory under Section 43 of the Food Safety and Standards Act, 2006.

3. Consequently, in the present case also, the report dated 20.01.2012 (Annexure P/3) which is foundation for launching prosecution against the petitioners is hereby quashed. Consequently, the impugned sanction order dated 30.11.2012 and consequential proceedings are hereby quashed.

4. Accordingly, the petition stands allowed and disposed of.

ojha

(MILIND RAMESH PHADKAR)  
JUDGE