

Jawed Akhtar vs The State Of Telangana on 20 September, 2023

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.23060 of 2023

ORDER:

The case of the petitioner is that he established a proprietorship firm in the name and style of "JA Food Products", which is carrying its business in manufacturing and trading of ginger garlic paste. It is the case of the petitioner that a case vide FIR No.197 of 2023 dated 24.06.2023 was registered against him and his workmen on the file of respondent No.5 for the offences punishable under Sections 272, 273, 336, 420 IPC. It is the further case of the petitioner that respondent No.5 also registered another case against him vide FIR.No.224 of 2023 dated 22.07.2023 for violation of the standards specified under the Food Safety and Standards Act, 2006 while manufacturing the food products.

The grievance of the petitioner is that the respondents police are not following the procedure prescribed under Section 41-A of Cr.P.C before investing into the said crimes and thereby interfering with his rights and business operations.

Learned Assistant Government Pleader for Home submits that respondents police registered cases against the petitioner, as he involved in adulteration of food products contrary to the standards specified under the Food Safety and Standards Act, 2006.

In view of the above submissions the writ petition is disposed of directing the respondents police to follow the procedure contemplated under Section 41-A of Cr.P.C and also the guidelines issued by the Supreme Court in the case of Arnesh Kumar v. State of Bihar 1 before investigating into the crimes registered against the petitioner.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

C.V.BHASKAR REDDY, J 20.09.2023 JSU 2014(8) SCC 273