

# Cp Wholesale India Private Limited & Anr vs State Govt.Of Nct Of Delhi & Ors on 14 July, 2022

**Author: Asha Menon**

**Bench: Asha Menon**

\$~44

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 1515/2022, CRL.M.A.13234/2022 (for stay)

CP WHOLESALE INDIA PRIVATE LIMITED & ANR.

..... Pe

Through: Ms. Shweta Bharti, Mr. Anil Ti

Mr. Aayushya Aankul and Mr.

Aeshwarya Sisodia, Advocates

versus

STATE GOVT.OF NCT OF DELHI & ORS. .... Responde

Through: Ms. Nandita Rao, ASC (CRL) for

State (GNCTD) with Mr. Amit

Peswani, Advocate

Mr. Abhishek Singh, Mr. J. Amal

Anand, Mr. Elvin Joshy and Ms.

Alisha Sharma, Advocates for R-3

and R-7

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 14.07.2022 Crl.M.A.13233/2022 (Exemption)

1. Allowed subject to just exceptions.

2. The application is disposed of.

W.P.(CRL) 1515/2022, CRL.M.A.13234/2022 (for stay)

1. This petition has been filed under Section 482 Cr.P.C. read with Article 226/227 of the Constitution of India for quashing of Complaint bearing No.7396/2020 filed under Section 26/59 of the Food Safety and Standards Act, 2006 by the Food Safety Officer.

2. It is submitted by Ms. Shweta Bharti, learned counsel for the petitioner that they have nothing to do with the sale of the ghee that was found to be sub-standard by the Food Safety Officer and therefore the complaint ought to be quashed qua them.

3. It is submitted that though petitioners have always purchased their ghee from respondent No.3/ M/s Gujarat Co-operative Milk Marketing Federation Ltd. (Amul) but the Batch, the number of which was of the product that was found to be sub-standard, was never purchased by them. As such, there was nothing to connect the sub-standard item with the petitioners. Hence, they cannot be prosecuted.

4. Issue notice.

5. Notice is accepted by Ms. Nandita Rao, ASC (CRL) for the State (GNCTD) and Mr. Abhishek Singh, learned counsel for respondents No.3 and 7.

6. Learned Additional Standing Counsel seeks an opportunity to file a Status Report.

7. At this stage, it is informed that the quashing petition filed by respondent No.3 & 7 herein is listed before this Court on 23rd August, 2022.

8. List alongwith CRL.M.C. 1426/2021 on 23rd August, 2022.

9. The Status Report may be filed within three weeks, with an advance copy to the opposite side.

10. The order be uploaded on the website forthwith.

ASHA MENON, J JULY 14, 2022/ak