

Anil Kumar And Another vs State Of U.P. And Another on 22 May, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:93038

Court No. - 92

Case :- APPLICATION U/S 482 No. - 14290 of 2024

Applicant :- Anil Kumar And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rahul Kumar Tiwari, Sanjay Kr. Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Sanjay Kr. Srivastava, learned counsel for the applicants and Sri Rajeev Kumar, learned AGA for the State.
2. The instant application under Section 482 Cr.P.C. has been filed for quashing the summoning order dated 27.02.2024 as well as entire proceeding of Complaint Case No.901 of 2024 under Sections 26, 59 of Food Safety and Standards Act, 2006, Police Station- Karari, District Kaushambi pending in the court of Chief Judicial Magistrate Kaushambi.
3. Contention of the learned counsel for the applicants is that as per Section 44 of Food Safety and Standards Act, 2006, sample should have been sent within 14 days but it was sent beyond 14 days. There is a violation of Section 44 of Food Safety and Standards Act, 2006, therefore, impugned proceeding is deserved to be quashed on this ground.

4. Learned AGA has submitted that provision of sending sample within 14 days is directory not mandatory and this cannot be a ground to quash the impugned proceeding in exercise of power under Section 482 Cr.P.C.

5. Considering the rival submissions of the counsel for the parties and perusal of record, it appears that though there appears to be delay in sending the sample but this cannot be a ground to quash the impugned proceedings. However, it is permitted to applicants to raise such dispute during trial.

6. In view of the above, the present application under Section 482 is hereby dismissed.

Order Date :- 22.5.2024 SP/-