

Anil Kukreja vs The State Of Madhya Pradesh 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.7008 of 2014
(ANIL KUKREJA
Vs
STATE OF MADHYA PRADESH & ORS.)

Appearance:

(BY SHRI KISHORE SHRIVASTAVA - SENIOR ADOVCATE WITH SHRI
KUNAL THAKRE AND SHRI S.K. SHRIVASTAVA FOR PETITIONER)

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

ORDER

The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner challenging the legality and validity of the order dated 09.10.2014 (Annexure P/1) whereby the petitioner has been directed to pay fine of Rs.1,00,000/- and in case the fine amount is not deposited within 15 days, then the license of the petitioner shall automatically get cancelled. The respondents have invoked the provisions of Food Safety and Standards Act, 2006 for the purpose of levying the aforesaid penalty.

2. In the instant case, the impugned order has been passed in pursuance to the prosecution launched against the petitioner on the basis of report of Food Analyst dated 16.02.2012.

3. 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.

4. Consequently, in the present case also, the report dated 16.02.2012 (Annexure P/5) which is foundation for launching prosecution against the petitioner is hereby quashed. Consequently, the impugned order dated 09.10.2014 (Annexure P/1) is hereby quashed.

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

ojha

(MILIND RAMESH PHAD
JUDGE