

(Exemption) Nilesh Chhavanika vs State Through Food Safety Officer ... on 10 February, 2023

Author: Amit Sharma

Bench: Amit Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 923/2023, CRL.M.A. 3567/2023 (Ex parte ad inte

CRL.M.A. 3568/2023 (Exemption) & CRL.M.A.

(Exemption)

NILESH CHHAVANIKA

Through: Mr. Anwesh Madhakar &
Siddiqui, Advocates.

versus

STATE THROUGH FOOD SAFETY OFFICER THROUGH MR.

AKSHAY BHALLA

Through: Mr. Hitesh Vali, APP f

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% 10.02.2023 The present application under Section 482 of the Cr.P.C. seeks following reliefs:

"a) Call for the records pertaining to complaint dated 27/01/2022 being Criminal Case no. 375/2022 titled as Food Safety Officer Versus State through Food Safety Officer Mr. Akshay Bhalla Versus Rajiv Goel & Ors. pending in the Ld. court of Smt. Nabeela Wali, ACMM- 01/New Delhi District, Patiala House Court, New Delhi;

b) Quash the being Criminal Case No. 375/2022 U/s 3, 23, 26, 27, 52, 58, 59, 63 of the Food Safety and Standard Act 2006 (hereinafter the FC Act) titled as Food Safety Officer V/s Rajiv Goel and Ors pending before the Ld. court of Smt. Nabeela Wali, ACMM-01/New Delhi District, Patiala House Court, New Delhi all proceedings/orders emanating therefrom qua the Petitioner who has been arrayed as Accused No 3;

c) Set aside/quash the summoning order dated 15/07/2022 and all proceedings/orders/ coercive steps emanating therefrom qua the petitioner; and

d) Pass such other or orders, and as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

Learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to challenge the Delhi State Gazette notification bearing no. SG-DL-E-16072020-220549, dated 15.07.2020, by way of appropriate proceeding in accordance with law.

Leave and liberty granted.

The present petition is dismissed as withdrawn and disposed of accordingly.

Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J FEBRUARY 10, 2023/bsr