

K.Karthikeyan vs Food Saftey Officer on 16 November, 2021

Author: N. Sathish Kumar

Bench: N.Satish Kumar

Crl.O.P.No.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATISH KUMAR

Crl.O.P.No. 4839 of 2017

and

Crl.M.P.Nos.3609 and 3610 of 2017

1.K.Karthikeyan

2.M.Kannupaiyan

... Petitioners/

Versus

Food Saftey Officer,
Suramangalam Zone - I,
Food Safety and Drug Administrative Department,
Food Safety Division.
Old Nattanmani Building,
Salem - 636 001.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.
call for the records with respect to the complaint filed by the res
herein in S.T.C.No.613/2016 on the file of the Judicial Magistrate
Salem.

For Petitioners : Mr.R.Nalliyappan

For Respondent : Mr.S.Vinoth Kumar.
Government Advocate (Crl.side)

<https://www.mhc.tn.gov.in/judis>

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Crl.O.

ORDER

This petition has been filed to quash the proceedings in S.T.C.No.613/2016 based on the complaint filed by the Food Safety Officer for the offences under Sections 48 and 59(1) of Food Safety and Standards Act, 2006.

2. Heard the learned counsel for petitioners and the learned counsel for respondent.

3. The main contention of the learned counsel for petitioners is that there is a violation of Section 42 of Food Safety and Standards Act, 2006 and the notice has not been given at the time of lifting the sample and also no opportunity has been given to have a second sample analysis.

4. On the contrary, it is the case of the prosecution that the very same complaint itself indicate that at that time of lifting the sample itself, notice was served as per Section 42 of the Act. Therefore, whether the notice has been served or not while lifting the sample is a factual aspect, which cannot be gone into by this Court at this stage and this Court <https://www.mhc.tn.gov.in/judis> cannot make a roving enquiry. Therefore, this Court does not find any material to quash the case pending in S.T.C.No.613/2016 on the file of Judicial Magistrate III, Salem.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

16.11.2021 Index: Yes/no Internet: Yes/No gba/gpa To

1. The Judicial Magistrate III Salem.

2. The Food Safety Officer, Suramangalam Zone - I, Food Safety and Drug Administrative Department, Food Safety Division.

Old Nattanmani Building, Salem - 636 001.

<https://www.mhc.tn.gov.in/judis> N. SATHISH KUMAR, J gba/gpa and Crl.M.P.Nos.3609 and 3610 of 2017 16.11.2021 <https://www.mhc.tn.gov.in/judis>