

Manager Indore Depot Britannia ... vs The State Of Madhya Pradesh Health ... 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. 2667 of 2015
(MANAGER, INDORE DEPOT, BRITANNIA INDUSTRIES LIMITED
Vs
STATE OF MADHYA PRADESH & ORS.)

Appearance:

(BY SHRI RAJESH BATRE- ADVOCATE WITH SHRI VISHAL
TRIPATHI - ADOVCATE FOR PETITIONERS)
(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 petitioners challenging the legality and validity of the complaint filed by the respondent No.4 and the consequent proceedings against the petitioners by the respondent No.2 after the sanction order dated 20.02.2015 for filing complaint against the petitioners thereby informing the petitioners that cognizance of the complaint filed by the respondent No.4 has been taken against them and directing the petitioner to appear and show cause as to why they ought not be punished under Section 52 of the Food Safety and Standards Act, 2006 for alleged contravention of Section 26 and 27 of Food Safety and Standards Act.

2. 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.

3. Consequently, in the present case also, the report dated 15.03.2013 (Annexure P/2) which is foundation for launching prosecution against the petitioners is hereby quashed. Consequently, the impugned sanction order dated 20.02.2015 (Annexure P/4) and consequential proceedings are hereby quashed.

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

ojha

(MILIND RAMESH PHAD
JUDGE