

Mahender Kumar vs . State Of H.P. on 11 January, 2024

Mahender Kumar vs. State of H.P. .

Cr.MP No.4970 of 2023 in Cr.MMO No.1313 of 2023 Order Reserved on: 02.01.2024 11.01.2024
Present: Mr. G.S. Sawhney & Mr. Sambhav Bhasin, Advocates for the petitioner.

of Mr. Jitender Sharma, Additional Advocate General, for the respondent/State.

rt The present petition has been filed for quashing of the complaint pending before the learned Additional CJM, Palampur under Section 59(1) read with Section 3(1)(c)(zz), 26(2)(1)(ii) and 27(1)(c) of the Food Safety and Standard Act, 2006.

2. As per the complaint, the sample was taken on 23.05.2018 and the present petition has been filed after the lapse of five years. It was laid down by the Hon'ble Supreme Court in AP Mahesh Cooperative Urban Bank Shareholders Welfare Association Versus Ramesh Kumar Bung and others, 2021 (9) SCC 152 that the High Court cannot pass an interim order under Section 482 of Cr.P.C. staying the proceedings except in the case of exceptional circumstances.

3. This position was reiterated in Siddharth Mukesh Bhandari v. State of Gujarat, (2022) 10 SCC 525: (2023) 1 SCC (Cri) 384: 2022 SCC OnLine SC 952. In the present case, considering the delay in approaching the Court, there are no exceptional .

circumstances for staying the proceedings.

4. Notice. Mr. Jitender Sharma, learned Additional Advocate General, accepts notice on behalf of the State. Reply, if any, be filed within three weeks and the matter be listed of thereafter.

rt (Rakesh Kainthla) Judge January, 11th , 2024 (saurav pathania)