

Swami Muktanand & Anr vs State Of Nct Of Delhi on 21 March, 2022

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 397/2022 & CRL.M.A. 1824/2022
SWAMI MUKTANAND & ANR.

Through: Mr. Ashish Tak and
Advocates

versus

STATE OF NCT OF DELHI

Through: Mr. Panna Lal Sharm

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
ORDER

% 21.03.2022

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") has been filed on behalf of the petitioners for quashing of the Complaint Case No. 2801/2020 and the summoning order dated 15th January, 2021 and all other proceedings arising out of complaint case which is pending in the Court of the learned Additional Chief Metropolitan Magistrate at Patiala House Courts New Delhi.

2. Learned counsel appearing on behalf of petitioners submitted that the aforesaid impugned order passed by the Court below is contrary to the provisions of Section 3 (1)(Z f)(A)(i)(a) read with Section 23 (1) 26 (1) (2)(ii)(iii) & 27 (1) (2)(c)(3)(c) 31(1)(7) passed under Sections 52 & 66 of Food Safety and Standards Act, 2006. It is submitted that the petitioners are directors of M/s Patanjali Ayurved Ltd. who are permanent residents of Haridwar and work for gain at Haridwar, Uttarakhand. It is further submitted that the milk article was supplied from Meerut unit to M/s AMRJ Enterprises, 41, Suraj Singh Building, Yusuf Sarai, Hauz Khas, New Delhi- 110016.

3. Learned counsel appearing on behalf of petitioner submitted that the present petitioners have nothing to do with day-to-day affairs of Meerut unit. It is submitted that while issuing summoning order, the Trial Court has not assigned any reason for summoning the petitioners. Hence, the impugned order is contrary to the law. It is submitted that the entire proceeding against the petitioners is nothing but a gross misuse of process of law and may be quashed.

4. Per contra, Mr. Panna Lal Sharma, learned APP for State vehemently opposed the instant petition and submitted that there are specific allegations against the petitioners in paragraph 16 and after perusing the said allegations, there are sufficient materials and reasons, prima facie, for satisfaction of the Court below for issuance of the summoning order. It is submitted that there are no illegalities in the impugned order and it is pre- mature stage to interfere in the instant proceeding by this Court by way of invoking the power of extraordinary jurisdiction under Section 482 of Cr.P.C. It is further submitted that the instant petition is devoid by any merit and is liable to be dismissed.
5. Vide order dated 31st January, 2022, notice was directed to be issued to the respondent no. 2 on taking steps by the petitioner. As per office report, notice could not be issued to respondent no. 2 by way of speed post and courier as nobody came to collect the same on behalf of the petitioner.
6. Keeping in view the facts and circumstances, issue fresh notice to respondent no. 2, on filing PF within a week, by all permissible modes.
7. List on 2nd May, 2022.
8. Till then, the proceeding before the Court below be kept in abeyance.

CHANDRA DHARI SINGH, J MARCH 21, 2022 Dy/ms