

M/S New Chandigarh Sweets ... vs Union Territory Chandigarh And Another on 8 December, 2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-45506-2022 (O&M)
CRM-M-45538-2022(O&M) w
CRM-M-45541-2022 (O&M)
CRM-M-45546-2022 (O&M)
Date of Decision:08.12.

M/s New Chandigarh Sweets Manufacturing Unit

Versus

State U.T., Chandigarh and Another

...Re

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:-

Mr. Tarun Dhingra, Advocate,
for the petitioner in all four cases

Mr. Charanjit Bakshi, Addl. PP, U.T., Chandigarh
in CRM-M-45506-2022, CRM-M-45538-2022 and
CRM-M-45541-2022

Mr. Akashdeep Singh, Addl. PP, U.T., Chandigarh
in CRM-M-45546-2022

JAGMOHAN BANSAL, J. (Oral)

Through this common order, afore-stated four petitions are disposed of, as issues involved are common.

For the sake of brevity and convenience, facts are borrowed from CRM-M-45506-2022.

The petitioner through instant petition under 482 Cr.P.C., is seeking quashing of order dated 12.09.2022, whereby SDM, U.T., Chandigarh has directed the petitioner to desist/cease from carrying out business activities.

Learned counsel for the petitioner submits that respondent has filed criminal complaint under Food Safety and Standards Act, 2006, against the petitioner on the same set of allegations which are forming foundation of impugned notice. The respondent cannot take two remedies for the same cause. Once the respondent has already authenticity of this order/judgment CRM-M-45506-2022 (O&M) -2- preferred criminal complaint before the competent court, the respondent has no authority to proceed under Section 133 Cr.P.C.

Learned State counsel submits that petitioners are not co- operating and they were supposed to file reply, however, they are not filing reply and avoiding the proceedings. On instructions from Mr. Kuldip Raj, Senior Assistant, Reader to SDM (E), he further submits that SDM who had to adjudicate the matter was on leave on account of surgery and he has joined on 01.12.2022 and undertakes that all the proceedings shall be concluded within 15 days from today.

Learned State counsel with respect to impugned notice and maintainability of present petition submits that a Co-ordinate Bench of this Court in CRM-M-45452-2022; M/s Jai Hanuman Sweets versus Union Territory of Chandigarh and Another, vide order dated 10.10.2022 has already dismissed a petition on the ground that petitioner has remedy to file reply before the Authorities and pursue the matter.

On being confronted with the afore-stated facts, learned counsel for the petitioner would submit that they have already filed reply to notice and they have already joined the proceedings. He undertakes that no adjournment would be sought.

Learned counsel for the petitioner further submits that he would be satisfied if SDM is directed to adjudicate the matter after considering his reply and granting an opportunity of hearing.

In view of statement of leaned counsel for the petitioner as well as learned State counsel, SDM, U.T., Chandigarh, is directed to authenticity of this order/judgment CRM-M-45506-2022 (O&M) -3- adjudicate the matter within three weeks from today after considering reply of the petitioner and granting opportunity of hearing.

Disposed of in aforesaid terms.

A photocopy of this order be placed in the files of connected cases.

(JAGMOHAN BANSAL
JUDGE

08.12.2022
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

authenticity of this order/judgment