

# Rajkumar vs State (2023:Rj-Jd:41981) on 4 December, 2023

**Author: Praveer Bhatnagar**

**Bench: Praveer Bhatnagar**

[2023:RJ-JD:41981]

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR  
S.B. Criminal Misc(Pet.) No. 2320/2018

Rajkumar S/o Shri Kushal Chand, Aged About 51 Years, R/o W.  
no. 35, Suratgarh Teh. Suratgarh, District Sri Ganganagar

----Petitioner

Versus

The State of Rajasthan, through PP

----Respondent

For Petitioner(s)	:	Mr. Rakesh Matoria
For Respondent(s)	:	Mr. Muktiyar Khan, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order 04/12/2023 The instant criminal misc. petition is preferred under Section 482 Cr.P.C for quashing of FIR No.0424/2017 dated 10.08.2017 registered at Police Station Suratgarh District Sri Ganganagar for the offence under Sections 420, 272, 103 & 104 IPC.

Learned counsel for the petitioner argues that prima facie a bare perusal of the FIR does not disclose any offence whatsoever against the accused-petitioner. Petitioner was unaware that the Ghee, which he sold, was substandard & misbranded and came to know only after receiving the report. The petitioner is not the manufacturer of substandard & misbranded Ghee but has purchased the said Ghee from the manufacturer. It is further argued that sample of the said recovered Ghee was drawn by the concerned Food Safety Officer and based upon the report complaints bearing nos.3/2018, 4/2018, 5/2018, 6/2018, 7/2018, 8/2018 & 9/2018 were filed before the learned Additional District [2023:RJ-JD:41981] (2 of 3) [CRLMP-2320/2018] Magistrate, Suratgarh, District Sri Ganganagar and petitioner was imposed with the fine in the said complaints. The parallel FIR is not maintainable as the proceedings under Food Safety Act have already been initiated and duly culminated. Therefore, the impugned FIR and further investigation in pursuance to the FIR No.424/2017 may be quashed and set aside.

Learned Public Prosecutor vehemently opposes the criminal misc. petition and contends that police after registering the FIR has found that the accused petitioner in connivance with the other accused Dheeraj Upadyay prepared misbranded and adulterated Ghee and later on sold it in the market with

different brand. The police after investigation found the allegation of adulterated Ghee and selling it in the market with the logo of fake companies. He further argues that offence under Sections 420 read with Section 120-B IPC are entirely different from the offence committed under Food Safety and Standard Act. The accused-petitioner knowing the fact that the recovered Ghee is not a branded Ghee and is adulterated, sold it in the public, therefore, the criminal misc. petition is devoid of merit and the same may be dismissed.

From a perusal of the factual report, it is evident that police has recovered huge quantity of Ghee of different brands, which were found to be fake and the Ghee was prepared with the connivance of other co-accused and also found to be manufactured by using the palm oil. Merely, accused-petitioner has been punished by the Food Safety Officer for adulterating the Ghee cannot be a basis to quash the entire FIR and the proceedings initiated thereinto. The offence under sub Section 2(2) of Section 26 of the Food Safety and Standard Act, 2006 is a [2023:RJ-JD:41981] (3 of 3) [CRLMP-2320/2018] different act and the act of accused-petitioner in selling the Ghee in the name of fake companies knowing the fact that the Ghee is adulterated and prepared from palm oil, falls within the ambit of Sections 420 & 272 IPC. The criminal misc. petition filed by the petitioner is misconceived and devoid of any merit.

Upshot to the above, the instant criminal misc. petition filed by the petitioner under Section 482 Cr.P.C is dismissed.

All pending applications also stand dismissed.

(PRAVEER BHATNAGAR),J 488-Dharmendra Rakhecha/-

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