

Swami Muktanand vs State Of Nct Of Delhi on 31 January, 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

Through:

Mr. Kirti Parekh, Advoca
Mr. Simranjeet Singh and
Gupta, Advocates

versus

STATE OF NCT OF DELHI

Through:

Mr. Panna Lal Sharma, AP

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
ORDER

% 31.01.2022 (THROUGH VIDEO CONFERENCING) Exemption allowed subject to just exceptions.
The application stands disposed of.

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 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 the petitioners submitted that there is no prima facie case made out nor is there any material on the basis of which the learned Additional Chief Metropolitan Magistrate, Patiala House Courts could have issued the process and taken cognizance of the process against the petitioner/applicant.

3. Learned counsel appearing on behalf of the petitioners further submitted that Section 66 of the Food Safety and Standards Act, 2006 (hereinafter "FSSA") provides that when an offence under this Act is committed by the company, every person who at the time when the offence was committed was in charge of and was responsible to the company for the conduct of the business as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly provided that where the company has different establishments or branches then concerned head or the person in charge of that unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment or branch or unit.

4. Learned counsel appearing on behalf of the petitioners submitted that both the petitioners are directors who are looking into the affairs of the GST of the Company and they are not looking into the affairs of manufacturing or maintaining the standards of the product.

5. Learned counsel appearing on behalf of the petitioners further submitted that there are no specific allegations against the petitioner in the complaint. It is also submitted that there is no material available for prima facie satisfaction of the Court concerned for issuance of the summoning order.

6. Heard.

7. Issue notice to the State. Notice accepted by Mr. Panna Lal Sharma, learned APP for the State.

8. Issue notice to Respondent No. 2 through all permissible modes on filing PF within one week.

9. List on 11th March, 2022.

CHANDRA DHARI SINGH, J JANUARY 31, 2022 gs/©t