

Abhijeet Suresh Kurle And Anr vs The State Of Maharashtra on 10 November, 2022

Author: R. N. Laddha

Bench: Revati Mohite Dere, R. N. Laddha

bipin prithiani

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BIPIN DHARMENDER
DHARMENDER PRITHIANI
PRITHIANI Date: 2022.11.11

CRIMINAL APPELLATE JURISDICTION

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CRIMINAL WRIT PETITION NO. 4245 OF 2021

Abhijeet Suresh Kurle & Anr. ...
Versus
The State of Maharashtra ...

Mr. Ashok P. Mundargi, Senior Advocate i/by Mr. Chetan
Ms. Rama Somani for the Petitioners.

Ms. S. D. Shinde, APP for the Respondent-State.

CORAM: REVATI MOHITE DERE
R. N. LADDHA, JJ.

DATE : 10th NOVEMBER,

P.C. :-

. Heard the learned senior counsel for the peti

2. By this petition, the petitioners seek quashing of the FIR registered vide C.R. No. 166 of 2021 with the Lonavala Rural Police Station, Pune, for the offences punishable under Sections 188, 272, 273 of the Indian Penal Code and under Sections 26(2)

(i), 30(2)(a) and 59 of the Food Safety and Standard Act and under Sections 7 and 15 of the Environment (Protection) Act. bipin prithiani 37-wp-4245.21.doc

3. Learned senior counsel for the petitioners submits that the complaint/FIR itself is not maintainable in as much as the complaint/FIR is lodged by the Police Hawaldar and the same is in contravention of the Section 42 of the Food Safety and Standard Act, in particular Section 42(5). He further submits that even Section 188 of the Indian Penal Code is not applicable having regard to the period when the notification was in force.

4. Issue notice to the respondent, returnable on 16th December, 2022. Learned APP waives notice on behalf of the sole respondent-State and seeks time to take instructions.

5. Having heard the learned senior counsel for the petitioners, in the meantime, the proceedings before the Trial Court that is SCC No. 1829 of 2021 is stayed, till the next date.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.