



WEB COPY



Crl.O.P.No.3389 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3389 of 2023
and
Crl.M.P.Nos.2093 & 2094 of 2023

N.Vijayarangam

.... Petitioner

Vs

Union of India,
Represented by
Chief Health Inspector and Food Inspector,
Chennai Egmore Railway Station,
Southern Railway, Chennai – 8.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the entire proceedings in SMMF No.4 of 2010, pending on the file of the XX Metropolitan Magistrate, Chennai and quash the same against the petitioner.

For Petitioner : Mr.E.Udayachander
For Respondents : Dr.D.Simon
Central Government Standing Counsel

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.M.M.F.No.4 of 2010, on the file of the XX Metropolitan Magistrate, Ripon Building, Chennai. The petitioner is arrayed as A3.



Crl.O.P.No.3389 of 2023

WEB COPY

2. The short facts of the case are as follows :

On 20.04.2010, the respondent/complainant inspected the Soda Water Stall at Platform Nos.1 & 2 and took sample of “Amutham Orange Soft Drink”, following the procedures contemplated under the Prevention of Food Adulteration Act, (hereinafter referred to as “the Act”). One part of sealed sample packet was sent to Government Analyst, Food Analysis Laboratory, King Institute Campus, Guindy, Chennai on 21.04.2010 and Analysis was done between 06.05.2010 to 12.05.2010 ; public Analyst Report was made ready on 19.05.2010. In the label, date of manufacture is mentioned as 19.04.2010 and the best before 27.04.2010. Based on the Analyst's Report, adulteration complaint has been filed against the petitioner.

3. The learned counsel appearing for the petitioners would submit that the complainant had seized the samples on 20.04.2010, but the samples were analyzed only between 06.05.2010 and 12.05.2010 nearly after one month from the date of seizure, which is absolutely arbitrary, illegal and would vitiate the entire proceedings. The food item would become contaminated after the period of expiry. But, in the present case, the samples were kept for nearly 20 days and thereafter, analysed, which cannot be relied upon. Therefore, the learned counsel for



Crl.O.P.No.3389 of 2023

the petitioner prayed for quashment. The learned counsel, in support of his contention, has relied on the decision of Hon'ble Supreme Court in ***Parakh Foods Limited Vs. State of Andhra Pradesh and another*** reported in ***(2008 (4) SCC 584)***.

4. The learned Standing Counsel appearing for the respondent would submit that on 20.04.2010, the respondent visited the Soda Water Stall at Platform Nos. 1 & 2 and took samples of “Amutham Orange Soft Drink”. One part of the sealed sample packet was sent to Government Analyst, on 21.04.2010 and Analysis was done between 06.05.2010 to 12.05.2010. Based on the Analyst's Report, adulteration complaint had been filed against the petitioner. The contentions of the petitioner that, since analysis was not done before 27.04.2010, the shelf-life period, would have got expired and the Analysis Report, cannot be taken into account, is concerned, if such contention is to be accepted, no complaint can be filed against any individual selling adulteration product by fixing a short shelf-life period for their convenience. The shelf-life period has to be considered only for the purpose of consumption and not for doing analysis. Further, in the label, it is not declared as the product contains “permitted synthetic food colour”, “Added flavours” and it gives a false and misleading impression to the consumer about the product as it



Crl.O.P.No.3389 of 2023

contains fruit by use of words and pictorial representation. Further, in this case, the complaint had been filed on 09.08.2010 and cognizance has been taken by the Trial Court and the petitioner has to prove his case only by adducing evidence before the Trial Court. Therefore, he prayed for dismissal of the petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. It is found that on 20.04.2010, the respondent had gone to the petitioner's shop, bought 12 packets/sachets of 'Amutham Orange Soft Drink', (Total 1500 ml – each 150 ml) for Analysis purpose. The 12 sachets were divided into 3 equal parts of 4 sachets each and was wrapped, tied, pasted and sealed. Thus, the samples could not be said to be Harmonized Samples. The sealed sample packets were sent to Analyst on 21.04.2010. The sample was analysed between 06.05.2010 to 12.05.2010 and Analyst's Report is dated 19.05.2010. The report was handed over to the respondent on 31.05.2010. Sanction was obtained on 15.07.2010. From the Analyst's Report, it is seen that date of manufacture is on 19.04.2010 and best before 27.04.2010. The Public Analyst has not mentioned as to how and what manner the sample was



Crl.O.P.No.3389 of 2023

misbranded and there is no specific averment that the customers are misled on account of misbranding and in the absence of any such clear averments, it cannot be said that the customers are misled or misdirected. The samples have been analysed after the shelf-life in flagrant violation of regulation. In view of the above, the complaint against the petitioner is liable to be quashed.

7. In the result, this Criminal Original Petition stands allowed and the proceedings in S.M.M.F.No.4 of 2010 on the file of the learned XX Metropolitan Magistrate, Ripon Building, Chennai, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

13.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp
To

1.The XX Metropolitan Magistrate,
Ripon Building,
Chennai – 3.

2.The Chief Health Inspector and Food Inspector,
Chennai Egmore Railway Station,
Southern Railway, Chennai – 8.



WEB COPY



Crl.O.P.No.3389 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3389 of 2023

13.03.2026