



CRL.OP.No.19473 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.19473 of 2026
and CRL.MP.No.12938 of 2026

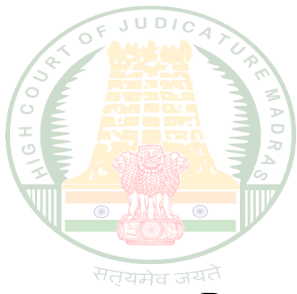
1. N.Murali
2. B.Sundar
3. K.Abdulrahim

..Petitioners

Vs

1. State of Tamil Nadu,
Represented by Food Safety Officer,
Code No.548, Guindy District,
Tamil Nadu Food Safety and
Drug Administration Department,
O/o. Designated Officer,
No.33, West Jones Road,
Saidapet, Chennai – 600015.
2. Badri Narayanan
3. M/s.RSM Foods Pvt. Ltd.,
Rep. by General Manager,
No.51, Ganapathy Nagar,
100 Feet Bye Pass Road,
Velachery, Chennai - 600042.
4. D.Nageshwaran

..Respondents



CRL.OP.No.19473 of 2026

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records relating to the complaint in C.C.No. 2167 of 2025 on the file of IX Metropolitan Magistrate Court, Saidapet, Chennai-15 and quash the same, as against the 3rd petitioner.

For Petitioners: Mr.K.K.Senthilvelan,
Senior Counsel
for Mr.P.Praveen Kumar

For Respondents: Mr.M.Mohamed Riyaz, (for R1)
Government Advocate (Crl. Side)

ORDER

The criminal original petition has been filed to quash the complaint in C.C.No.2167 of 2025, pending on the file of the IX Metropolitan Magistrate, Saidapet, Chennai – 15.

2. The gist of the allegations in the complaint is that a sample of jaggery, an article of food, was taken from the petitioners/Directors of M/s.RSM Foods Pvt. Ltd., by following the due statutory procedure. Upon analysis, the sample was found to contain an artificial colouring agent, rendering it 'unsafe', which led to the initiation of the present prosecution.



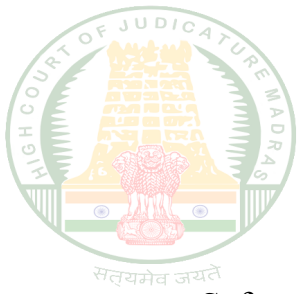
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3. The learned Senior Counsel appearing on behalf of the petitioners raised three primary contentions. Firstly, it is argued that Section 42(2) of the Food Safety and Standards Act (the Act) is violated as the analyst's report was received beyond the mandatory period of 14 days. Secondly, under Section 66(1) of the Act, when only one Director can be nominated and held responsible, all other Directors have been arrayed as accused without any specific allegations. Thirdly, there is a discrepancy regarding the description of the sample; it was originally recorded as being in a cardboard box, whereas the analysis report describes it as a loose item. Lastly, it is submitted that the petitioners/Directors merely sourced the jaggery from another concern and is not the actual adulterator of the food item.

4. Heard the submissions made by the learned Senior Counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

5. With regard to the first contention, Section 42(2) of the Act mandates that the Food Analyst, after receiving the sample from the Food



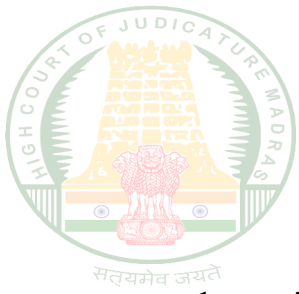
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Safety Officer, shall analyse the sample and send the analysis report, specifying the method of sampling and analysis within a period of 14 days.

A perusal of the records reveals that the food sample was collected on 20.11.2024, the analysis was conducted on 27.11.2024 and the report was dispatched on 07.12.2024. Therefore, the analysis was completed well within the statutory timeline and Section 42(2) of the Act has not been violated.

6. The next submission pertains to Section 66 of the Act. While it is true that if a company or a concern has multiple branches and has officially nominated a specific person responsible by filing a Form 12 under the Food Safety and Standards Rules, 2011, that nominated person alone remains liable. In the instant case, the documents filed before this Court do not demonstrate that any such nomination under Form 12 was executed by the petitioners/Directors. Section 66(1) of the Act categorically states that where an offence is committed by a company, every person who was in charge of, and was responsible to the company for the conduct of its business, shall be deemed to be guilty. Consequently, as the petitioners are the Directors of the company, they are deemed liable and the complaint has



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been rightly filed.

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7. The remaining contention regarding the description of the sample is purely factual in nature. Such arguments cannot be treated as incontrovertible at this stage and they must be put forth to the prosecution witnesses and established during the course of the trial.

8. Finding no merits, this criminal original petition stands dismissed. However, taking into account the plea of hardship urged by the learned Senior Counsel for the petitioners, the personal appearance of the petitioners before the IX Metropolitan Magistrate, Saidapet, Chennai, is hereby dispensed with, except for those crucial hearings where their presence is insisted upon by the Trial Court. Connected miscellaneous petition is closed.

22-07-2026

Neutral Citation: No

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D.BHARATHA CHAKRAVARTHY, J.

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To

1.The IX Metropolitan Magistrate,
Saidapet, Chennai – 600 015.

2.The Food Safety Officer,
State of Tamil Nadu,
Code No.548, Guindy District,
Tamil Nadu Food Safety and
Drug Administration Department,
O/o. Designated Officer,
No.33, West Jones Road,
Saidapet, Chennai – 600015.

3.The Public Prosecutor,
High Court of Madras.

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