

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19253 of 2026

and

CrI.MP.Nos.12798 & 12799 of 2026

1. Salamon Raja
2. Rejeev Varman
3. Amit Manocha
4. Shiva Kumar Pullaya Dega
5. Jaspal Singh Sabharawal
6. Ajay Kaul
7. Sandeep Chaudhary
8. Tara Subramanian
9. Navin Shetty
10. Burger King India Pvt.Ltd
No44, Jawaharlal Nehru Road,
Anna Nagar, Chennai
all Represented by their Authorized
representative, Mr.Himanshu Yadav,

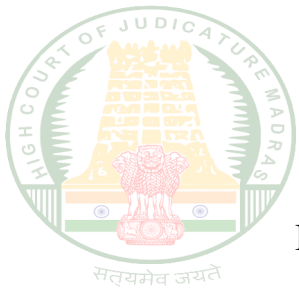
..Petitioner(s)

Vs

The State Rep by its Food Safety Officer,
Koyambedu, Area Code-537,
Tamil Nadu Food Safety and Drug Administration
Department, No.33, West Jones Road,
Saidapet, Chennai-600 015.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for records relating to C.C.No.3973 of 2025 on the file of X Metropolitan Magistrate, Egmore, and quash the impugned summons, bearing number PTNCH0F0469992025_1_1 to PTNCH0F0469992025_1_10 dated 07.03.2026 issued to the Petitioners 1 to 10 herein above and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.



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For Petitioner(s):

Mr.Navod Prasannan

For Respondent(s):

Mr.R.Rajasekaran

Counsel for Government of Tamil Nadu
(Criminal Side)**ORDER**

The Registry has objected to the present petition inasmuch as the summons was challenged.

2.The learned counsel for the petitioner submits that the summons was challenged on the ground that taking of cognizance without issuing pre-cognizance notice is erroneous as such the objections of the Registry stand overruled. It is seen that the petitioners are proposed as the accused in the complaint filed by the Food Safety Officer, Koyambedu the respondent herein.

3.The learned counsel for Government of Tamil Nadu (Criminal Side) would submit that upon inspection and sample being taken in accordance with law, it was found that the vegetable oil that was used was substandard and the result of analysis is, it is an unsafe food and as such the prosecution is launched. After due inquiry, when the complaint is filed, now as per section 223 (1) of BNSS, notice is mandatory to the proposed accused that the pre cognizance stage itself.



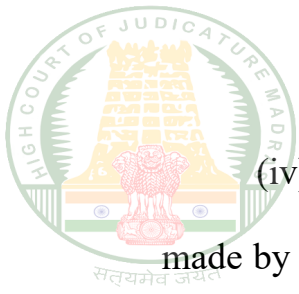
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4. In view thereof, since in this case the contention is made that no pre cognisance notice was issued, this is a fit case for interference by this Court. Accordingly, the order taking cognizance in C.C.No.3973 of 2025 stands vitiated in view of the dictum of the Hon'ble Supreme Court of India in ***Parvinder Singh Vs. Directorate of Enforcement*** (2026 INSC 519). In view thereof, this criminal original petition is allowed on the following terms:

(i). The impugned summons as well as the order taking cognizance of the offences in the private complaint filed by the respondent in C.C.No.3973 of 2025 shall stand set aside;

(ii). However, service on all the petitioners in the private complaint is deemed to be complete and the petitioners shall appear before the X Metropolitan Magistrate Court, Egmore, on 24.07.2026 either in person or through the counsel.

(iii). Even if counsel alone appears, the same shall be treated as valid appearance and on the personal appearance of the petitioners for the hearings at the pre cognizance stage shall stand dispensed with.



(iv).An opportunity of hearing shall be afforded and the submissions made by the learned counsel on behalf of the petitioners shall also be heard and thereafter, the learned X Metropolitan Magistrate, Egmore, shall take a fresh decision to take cognizance of the offences.

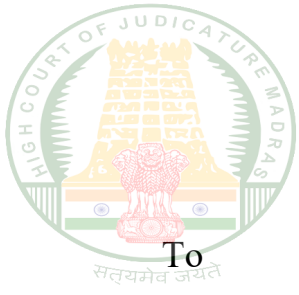
(v).The cognizance order shall reflect the due reasons for taking cognizance of the offence and thereafter, if the enquiry by the learned Magistrate ends in not taking cognizance of the offence, then the case ends. If the enquiry by the Magistrate ends in taking cognizance of the offence, then on the next date fixed by the Magistrate, all the accused shall appear and no further summons need be issued to the accused and mere fixing of the next date of hearing would suffice.

(vi).The parties and the learned trial Court shall act on the web copy of this order.

Consequently, connected miscellaneous petitions are closed.

21-07-2026

Neutral Citation: Yes/No
sms



To

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1.X Metropolitan Magistrate Court, Egmore.

2.The Food Safety Officer,
Koyambedu,
Area Code-537,
Tamil Nadu Food Safety and Drug
Administration Department,
No.33, West Jones Road, Saidapet,
Chennai-600 015.

3.The Public Prosecutor
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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