

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

C O R A M

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

Crl.O.P.Nos. 20273 & 22010 of 2009
&
M.P.Nos.1 & 1 of 2009

Crl. O.P. No. 20273/2009 :-

1. V. Govindaraj
2. V. Ravi
3. P. Murugesan
4. Lion Dates Impex Pvt. Ltd.,
No.4, A/2, Cauvery Road
Trichy rep. by Nominee
P. Murugesan .. Petitioners

Vs.

The Food Inspector
Tiruppur Corporation
Tiruppur. .. Respondent

Crl. O.P. No. 22010/2009 :-

1. K. Selvaraj
2. P. Murugesan
3. Lion Dates Impex Pvt. Ltd.,
No.4, A/2, Cauvery Road
Trichy rep. by Nominee
P. Murugesan .. Petitioners

Vs.

The Food Inspector
Pollachi Municipality
Pollachi. .. Respondent

PRAYER in both Petitions: These Criminal Original Petitions are filed under Section 482 of Cr.P.C., praying to call for the records relating to the complaint in C.C. Nos.170/09 on the file of the Judicial Magistrate-I, Tiruppur District and C.C. Nos.189/09 on the file of the Judicial Magistrate-I, Pollachi District and to quash the same and to pass further orders.

For Petitioners
in both Crl.O.Ps: Mr. R. G. Narendhiran

For Respondent : Ms. M.F. Shabana, G.A (Crl.Side)
in both Crl.O.Ps

COMMON O R D E R

The petitioners have come forward with these two petitions seeking to quash the complaint in C.C. No.170/09 on the file of the Judicial Magistrate-I, Tiruppur District and C.C. Nos.189/09 on the file of the Judicial Magistrate-I, Pollachi.

2. According to the petitioners, the 4th petitioner M/s. Lion Dates Impex is a Private Limited company, engaged in purchasing and selling dates, under the name and style "Lion". They are also in the manufacture of Lion Dates Syrup. The Officials, under the Prevention of Food Adulteration Act, 1954, collected samples on 27.07.2007 and 28.07.2007 and sent for analysis. Though the respondents have received the report on 31.08.2007 and 06.09.2007 the complaint has been given only on 18.05.2009.

3. According to the learned counsel for the petitioners, the entire packing is done with the supervision of the Quality Controller and they have been complying with the provisions under the Prevention of Food Adulteration Act, 1954. It is further submitted that complaints have been erroneously given by the Officials, under the Prevention of Food Adulteration Act, 1954. The complaints have been filed before the Judicial Magistrate -I, Tirupur and the Judicial Magistrate -I, Pollachi. The complaint against the petitioners, for the offences said to have been committed under Section 16(1)(a)(i) r/w 7(ii) & Section 2(ix) (K) of Prevention of Food Adulteration Act 1954 and Rule 36(7)(a) of the PFA Rules, 1955.

4. As per Section 11(4) of the Act, the respondents should have taken action within seven days on receipt of the report, but only after two years, the respondents have filed the complaints against the petitioners. Taking note of the decision of this Court, in the case of Selvakumar vs. State reported in 2010(2) FAC 304, this Court is inclined to accept the contention of the learned counsel for the petitioners and quash the proceedings only on the ground of laches. If there are any further complaints, it is open to the respondents to proceed on merits, in accordance with law.

5. In view of the above, both the Criminal Original Petitions are allowed. Consequently, the connected M.Ps are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Food Inspector
Pollachi Municipality
Pollachi.
 2. The Food Inspector
Tiruppur Corporation
Tiruppur.
 3. The Judicial Magistrate No.I,
Tiruppur
 4. The Judicial Magistrate NO.I
Pollachi
 5. The Public Prosecutor High Court, Madras
- +2 ccs to Mr.R.G.Narendran Advocate sr.14871, 14872

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