

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16163 of 2016

ORDER

This petition under Section 482 Cr.P.C., is filed to quash the proceedings in C.C.No.213 of 2015 (old C.C.No.133 of 2008) on the file of V Metropolitan Magistrate, Vijayawada at Gannavaram, Krishna District, on the ground that the petitioner/A3 is the Manager of M/s.Agri Gold Goods and Farms Products Limited-A4, against which the proceedings in C.C.No.133 of 2008 (old) were quashed by this Court by order dated 22.12.2011 in CrI.P.No.3083 of 2009. Since A4 being manufacturer itself was exonerated from its criminal liability for the offences under Sections 7(i) & 2(ia)(m) read with Section 16(1)(a)(i) of Prevention of Food Adulteration Act, 1954, the question of fastening vicarious liability against the petitioner does not arise.

2. Since there is no allegation in the entire complaint that the petitioner is liable for punishment for any of the offences alleged, except in the capacity of Manager of A4 company and in view of quashing of proceedings against A4, the proceedings against the petitioner/A3 are liable to be quashed.

3. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.213 of 2015 (old C.C.No.133 of 2008) on the file of V Metropolitan Magistrate, Vijayawada at Gannavaram, are quashed against petitioner/A3. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

23rd November, 2016
sj