

SMT. JUSTICE T. RAJANI

CRLP.No.5698 of 2011

ORDER:

This petition is filed by the petitioners seeking to quash the proceedings in C.C. No.455 of 2010 on the file of the Additional Munsif Magistrate, Sullurpet, Nellore District.

2. Heard the Counsel for the petitioners and the Public Prosecutor appearing for respondents 1 and 2.

3. Counsel for the petitioners submits that a complaint is filed against the petitioners stating that Garam Masala, which is being mainly manufactured by Aachi Masala Company, did not specify that there was salt in the same. The Public Analyst report is to the effect that the sample contains salt, which is not mentioned on the manufacturer label of the packet and therefore, it is misbranded. Counsel for the petitioner submits that as per Rule 53 of Prevention of Food Adulteration Rules, 1955 salt is permitted to be added as preservative and there is no restriction of adding salt as per clause-(i). Here the question is not about the permission being available under clause-(i) as preservative to be added in the Garam Masala, but the question is about non-specification of the addition of salt, on the label. Hence, the above said rule does not favour the petitioner, for entitlement of quashing of proceedings. Hence, in view of the above, the Criminal Petition is dismissed. Interim stay granted by the Court on 14.7.2011 in Crlp.M.P. No.5769 of 2011 stands vacated.

JUSTICE T. RAJANI

Dt:16-11-2017
gnr

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DATED:16-11-2017

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