

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.12.2018

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl. OP. No.24645 of 2009

and

MP No.1 of 2009

1. J.Vijayakumar
 2. Dhanapalan
 3. T.G.Moorthy @ Dhakshinamoorthy
 4. S.Rajaraman
 5. M/s.Nestle India Ltd.,
Rep. By its Nominee
S.Rajaraman
M.5a, Cannaught Circle,
New Delhi - 110 001
- ..Petitioner / Accused 1 to 5

Vs.

The Food Inspector,
Erode Municipality,
Erode

..Respondent/Defacto Complainant

Prayer: This petition is filed under Section 482 of Criminal Procedure Code to call for records in CC No.391/2009 pending before the Judicial Magistrate No.II, Erode and quash the same.

For Petitioner :Mr.S.Silambanan,
Senior Counsel

For Respondents :Mr.T.Shunmuga Rajeswaran
Government Advocate (Criminal Side)
for Respondent

ORDER

This petition is arising out of the complaint filed by the respondent / Food Inspector, Erode Municipality for violation of Prevention of Food Adulteration Act, 1954 (herein after referred to as PFA Act).

2. When the matter came up for hearing today, learned Government Advocate (Crl.Side) brought to the notice of this Court the communication / Circular dated 13.03.2018 issued by the Commissioner of Food Safety proposing to withdraw the cases for violation of old norms and standards, subsequent to the introduction of the new Act.

3. It is also brought to the knowledge of this Court that for the same type of adulteration, the cases instituted by the prosecution was quashed by this Court, in view of the aforesaid communication dated 13.03.2018. One such order passed by this Court at Madurai Bench, in Crl.OP.(MD)No.13768 of 2011 dated 25.07.2018, was also produced before this Court for consideration.

4. Under the above circumstances and in view of the Circular of the Commissioner of Food Safety dated 13.03.2018, this criminal original petition is allowed, by quashing the impugned proceedings in CC No.391 of 2009 on the file

of Judicial Magistrate II, Erode. Consequently, connected miscellaneous petition is closed.

03.12.2018

rka/gk

To

1. Judicial Magistrate - II,
Erode
2. The Public Prosecutor,
High Court of Madras



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B.PUGALENDHI, J.

rka



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