



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CrI.O.P.(MD).No.13091 of 2011
and
M.P(MD).Nos.1 and 2 of 2011

C.Suresh Kumar .. Petitioner/Accused No.2

Vs.

The State represented by,
The Food Inspector,
Tirunelveli Corporation, Tirunelveli. .. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in S.T.C.No.406 of 2011 on the file of the learned Judicial Magistrate No.I, Tirunelveli District and quash the same.

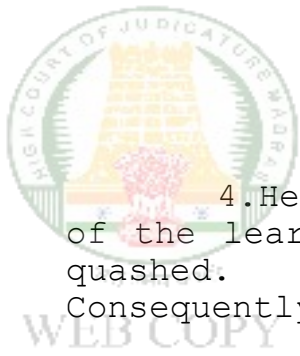
For Petitioner	:	Mr.P.Samuel Gunasingh
For Respondent	:	Mr.A.Robinson
		Government Advocate (CrI. Side)

ORDER

The petitioner has come forward with this petition seeking to quash the proceedings in S.T.C.No.406 of 2011 on the file of the learned Judicial Magistrate No.I, Tirunelveli District.

2.The petitioner seeks to quash the impugned proceedings on the ground that the delay in this case has caused irreparable prejudice to him.

3.The article concerned is milk. The petitioner was vending the same under the name 'KC Milk'. It is stated that the sample was collected on 29.03.2010. It was sent for analysis on 23.07.2010. The notice under Section 13(2) of the Prevention of Food Adulteration Act, 1954, was given only on 31.01.2011. The petitioner has a right to refer second sample for analysis. Since in this case the food item was milk and the life of the same was only a few days, the delay in this case caused irreparable prejudice to the petitioner infringing his valuable right guaranteed under Section 13(2) of Prevention of Food Adulteration Act 1954, continuance of the impugned prosecution would certainly amount to an abuse of process of law.



4.Hence, the proceedings in S.T.C.No.406 of 2011 on the file of the learned Judicial Magistrate No.I, Tirunelveli District, stand quashed. Accordingly, this original petition is allowed. Consequently, connected miscellaneous petitions are closed.

SD/
Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate NO. I, Tirunelveli.

2.The Food Inspector,
Tirunelveli Corporation, Tirunelveli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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JM/SKN RSK/SAR 3/09.08.2018/2P/4C