



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WEB COPY

Cr1.O.P.(MD).No.13768 of 2011

and

M.P(MD).No.1 of 2011

R.K.Agarwal

...Petitioner/ Second Accused

Vs.

The Food Inspector

(A.Arasakumar)

Cumbam Municipality

Cumbam

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records the complaint in S.T.C.No.5143 of 2011 on the file of the learned Judicial Magistrate, Uthamapalayam and quash the same.

For Petitioner

:Mr.V.Gopinath

Senior Counsel for Mr.P.Andiraj

For Respondent

:Mr.A.Robinson

Government Advocate

(Cr1.Side)

O R D E R

This petition has been filed to call for the records the complaint in S.T.C.No.5143 of 2011 on the file of the learned Judicial Magistrate, Uthamapalayam and quash the same.

2.Heard the learned counsel appearing on either side.

3.The second accused in S.T.C.No.5143 of 2011 on the file of the learned Judicial Magistrate, Uthamapalayam has filed this Criminal Original Petition for quashing the same.

4.The learned Senior counsel appearing for the petitioner submitted that the prosecution cannot lie against the petitioner, when the Company has not been arrayed as an accused. Before the learned Senior Counsel could proceed with the submission, the learned Government Advocate (Cr1.Side) brought to the notice of this Court that the communication dated 13.03.2018 has been received from the Food Safety and Standards Authority of India proposing to withdraw the cases for violation of old norms and standards.

5.Taking note of the same, this Court has no hesitation to quash the impugned proceedings as a whole. Benefit of this order will endure not only to the petitioner but also to the non petitioning accused, namely A1 and A3.



6. Accordingly, the impugned proceedings in S.T.C.No.5143 of 2011 stand quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate,
Uthamapalayam.

2. The Food Inspector
(A. Arasakumar)
Cumbam Municipality
Cumbam.

+1cc to M/S.P. Andiraj, Advocate SR.No. 75412

Crl.O.P. (MD) .No.13768 of 2011
and
M.P (MD) .No.1 of 2011
25.07.2018

msa

JM/KAK/SAR 4/10.08.2018/2P/4C