

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.14047 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.399 of 2007 on the file of Judicial First Class Magistrate, Mancherial, Adilabad District, registered for the offences under Sections 7(i) & (ii), 2(ia)(m), 2(ix)(k) violating Rule 32(e) punishable under Section 16(1)(a)(i) of Prevention of Food Adulteration Act, 1954 (for short 'the Act'), against the petitioners/A2 and A3.

2. Heard learned counsel for the petitioners and learned Public Prosecutor for the respondents-State.

3. Learned counsel for the petitioners contends that the case was registered on the ground that the water sample does not conform to the prescribed standards. He further contends that as per the definition of the Act, water is not a food item and hence, the prosecution against the petitioners cannot be sustained. He also submits that only by virtue of the Food Safety and Standards Act, 2006, packaged drinking water is included under the definition of 'food'.

4. Hence, in view of the above, this Court finds that the prosecution against the petitioners for the offences under Sections 7(i) & (ii), 2(ia)(m), 2(ix)(k) violating Rule 32(e) punishable under

Section 16(1)(a)(i) of the Act, cannot be sustained and the proceedings against them are liable to be quashed.

5. Accordingly, the Criminal Petition is allowed, quashing the proceedings in C.C.No.399 of 2007 on the file of Judicial First Class Magistrate, Mancheri, Adilabad District, against the petitioners/A2 and A3. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

14th November, 2018

sj

T. RAJANI, J

