

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12011 of 2011

ORDER:

This Criminal Petition under Section 482 Cr.P.C., is filed by the petitioner/accused seeking to quash the proceedings against him in C.C.No.469 of 2011 on the file of Judicial Magistrate of First Class Special Mobile-cum-XI Metropolitan Magistrate, Cyberabad at L.B.Nagar, registered for the offence punishable under Section 16 (1-A) (i) of the Prevention of Food Adulteration Act, 1954 (for short, 'the Act').

2. Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the State.

3. Learned counsel for the petitioner placed the orders of this Court, dated 20.01.2017 in CrI.P.No.12990 of 2011, CrI.P.No.2510 of 2017, dated 03.11.2017, and by virtue of the said orders, proceedings were quashed considering that Prevention of Food Adulteration Act was repealed on 29.07.2010. In CrI.P.No.12990 of 2011 this Court held as follows:

“Learned counsel for the petitioner-accused No.1 brought to the notice of this Court the notification issued by the Ministry of Health and Family Welfare dated 29.07.2010 in S.O.1855 (E) by which the Food Safety and Standards Act, 2006 (34 of 2006) came into force on account of notification repealing the Prevention of Food Adulteration Act.

Admittedly, the sample was lifted on 25.02.2011 at 5.30 pm as per the allegations made in paragraph No.4 of the complaint. By that date, the Act was in not in force and thereby, the Food Inspector is incompetent to exercise his power under the Act to lift the sample. In view of repealing of the Prevention of Food Adulteration Act, lifting the

sample by the Food Inspector is an illegality and therefore, the proceedings against the petitioner-accused No.1 shall not be continued, as there exist no *prima facie* ground to proceed against her for the alleged offences under the provisions of the repealed Act.”

4. Hence, for the same reasons, this petition is also allowed quashing the proceedings against the petitioner/accused in C.C.No.469 of 2011 on the file of Judicial Magistrate of First Class Special Mobile-cum-XI Metropolitan Magistrate, Cyberabad at L.B.Nagar.

Miscellaneous petition, if any, pending in this petition shall stand closed.

OCTOBER 08, 2018
YVL



T. RAJANI, J

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Date:08.10.2018