

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-30880-2019 in/and
CRM-M-19825-2012 (O&M)
Date of Order: 02.11.2019

VIDYA SAGAR & ANR

..Petitioners

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Bajaj, Advocate, for the petitioners
Mr. Hittan Nehra, Addl. A.G., Punjab

ANIL KSHETARPAL, J(Oral)

CRM-30880-2019

Prayer in the application is for restoration of the petition.

For reasons mentioned in the application, which is supported by an affidavit, the application is allowed and the petition is retorted to its original number.

MAIN

Learned counsels for the parties do not dispute that the prosecution of distributor/retailer under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 cannot be allowed to continue, if the food article was packed in sealed jars and there are no allegations of tampering. Reference in this regard can be made to the judgments passed by this Court in the cases of Vijay Kumar vs. State of Punjab, 2012 (27) R.C.R.(criminal) 196, Hemant Grover vs. State of Haryana and others, 2014 (12) r.c.r.(cRIMINAL) 1999, M/s Guru Nanak Pesticides, Nabha and others vs. State of Punjab, 2010(1) R.C.R.(Criminal) 30 and M/s Vimal & Co., Grain Market, Mullanpur vs. State of Punjab, 2002(2) R.C.R.(Criminal) 56.

In view thereof, the present petition is allowed. Criminal prosecution against the petitioners shall stand quashed.

November 02, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No