

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.23196 of 2014  
and M.P.Nos.1 & 2 of 2014

1. M/s.Healthy Life Pharma(P) Ltd,  
Represented by its Director Thiru.Nishith M.Shah
2. Thiru.Nishith M.Shah  
Director of M/s.Healthy Life Pharma (P) Ltd,
3. Tmt.Kavitha Shah,  
Director of M/s.Healthy Life Pharma (P) Ltd,
4. Bhakthi M.Shah  
Director of M/s.Healthy Life Pharma (P) Ltd,  
All at Factory N-31/1,MIDC,  
Tarapur,  
Biosar Dist,  
Thane- 401 506. .... Petitioners

Vs.

The State of Tamil Nadu represented by  
R.Kalaiselvi, B.Pharm,  
Drugs Inspector,  
T.Nagar, Range,  
O/o. The Assistant Director of Drugs Control,  
Zone-III,  
D.M.S Campus, 259-261, सत्यमेव जयते  
Annasalai,  
Teynampet,  
Chennai - 600 006. .... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the entire records in C.C.No.4122 of 2011 on the file of IV Metropolitan Magistrate, Saidapet, Chennai and quash all further proceeding against the accused.

For Petitioners : Mr.P.Ramesh Kumar  
For Respondent : Mr.C.Iyyapparaj  
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking to call for the entire records in C.C.No.4122 of 2011 on the file of IV Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

2. The case of the petitioner/complainant is that on 25.08.2010, went to the premises of the Thiruvanniyur Health Post, Corporation of Chennai, and drew samples of Ferrous Sulphate with Folic Acid Tablets, Batch No.31177, Mfg Date 08/09, Exp. Date. 07/11, manufactured by the 1<sup>st</sup> accused M/s.Healthy Life Pharma (P) Ltd., wherein, the 1<sup>st</sup> accused herein, it is stated that relevant Corporation analysis (Drugs ) by its report dated 29.11.2020 declared the sample so drawn as being not of standard quality for the reason that the sample does not conform to label claim with respect to the content of Folic Acid, which is found to be 82 % . Thereafter, the letter was issued by the respondent to Medical officer, Thiruvanniyur Health Post, on 07.12.2010 in this regard and a reply was received by the respondent stating that the product was supplied by the 1<sup>st</sup> accused with a total quantity of 6,59,900 tablets. Subsequently, on 10.03.2011 with a reminder on the respondent sent a notice to the 1<sup>st</sup> respondent and show cause notice issued under Section 18(a)(i) of Drugs and Cosmetics Act. Legal notice the 1<sup>st</sup> accused received a copy in this report and a portion of described as a sealed sample respondent to the 2<sup>nd</sup> accused Directors of the 1<sup>st</sup> accused Company sent a reply notice dated 30.03.2011 disputing the correctness of the claim of the respondent that the drug was not of standard quality.

3. Challenging the same, even thereafter complaint was made against the present petitioners, the learned counsel for the petitioners required the respondent/defacto complainant to send the Form-2 to Central Laboratory. Accordingly, this was sent to Central Drug Laboratory, Kolkata, in which, the drug was found in standard quality, in which, without considering the 2<sup>nd</sup> report and opinion given by the Laboratory, the respondent made a complaint against the petitioners. Hence, the petitioners have come before this Court with the present petition.

4. The learned Additional Public Prosecutor concurred with

the statement made by the learned counsel for the petitioners.

5. In view of the above facts and circumstances of the case, this Criminal Original Petition is allowed and the order passed in C.C.No.4122 of 2011 on the file of IV Metropolitan Magistrate, Saidapet, Chennai is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm/ssn

To

- 1.The learned IV Metropolitan Magistrate,  
Saidapet,  
Chennai.
- 2.The Drugs Inspector, T.Nagar, Range,  
O/o. The Assistant Director of Drugs Control,  
Zone-III,  
D.M.S Campus, 259-261,  
Annasalai,  
Teynampet,  
Chennai - 600 006.
- 3.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.

+1 cc to Mr.P.Ramesh Kumar, Advocate, S.R.No.12774

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SS(CO)  
RN(20/05/2020)

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