

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 16.03.2021****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**Crl.O.P No.17931 of 2017Crl MP No.10939 of 2017

T.K.Nawaz

.. Petitioner

Vs.

1.Union of India rep.by
Chief Health Inspector and
Food Inspector,
Egmore Railway Station,
Southern Railway,
Chennai - 600 008.

2.The Chief Medical Superintendent,
(Local Health Authority), Railways,
Egmore, Chennai - 600 008.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record and quash the SMMF.No.01 of 2008 on the file of the XX Metropolitan Magistrate, Ripon Buildings, Chennai - 600 003.

For Petitioner
For Respondents

: Mr.K.R.Gunashekar
: Mr.P.T.Ramkumar
Senior Counsel for Railways

ORDER

This Criminal original petition has been filed to quash the proceedings in SMMF.No.01 of 2008 on the file of the XX Metropolitan Magistrate, Ripon Buildings, Chennai - 600 003.

2. The respondents have filed a complaint against four accused persons for an offence under Sections 7 (i) and (ii) and 16(1)(a) (i) r/w Secs.2 (ia) (a) & (m) and 2 (ix) (k) and Rules 23 and 29 and Rule 42(ZZZ) (17) of PFA Act 1954 ad Rules 1955. The petitioner has been arrayed as Accused no.2 and he was the licensee of the stall and he was granted license by the Southern Railway to run the stall.

3. The sum and substance of the complaint filed by the respondent is that the food articles that was sold in the stall was found to be of inferior quality and adulterated.

4. Heard the learned counsel for the petitioner and the learned Additional public prosecutor appearing on behalf of respondents.

5. It is seen from records that A4, who is the manufacturer of the food articles had approached this Court seeking to quash the very same proceedings by filing Crl OP No.3 of 2009. This Court by an order dated 22.03.2017 was pleased to quash the proceedings. The main ground on which the proceedings were quashed was the non-compliance of the mandatory requirements under the PFA Act 1954 with regard to inspection and Food analysis.

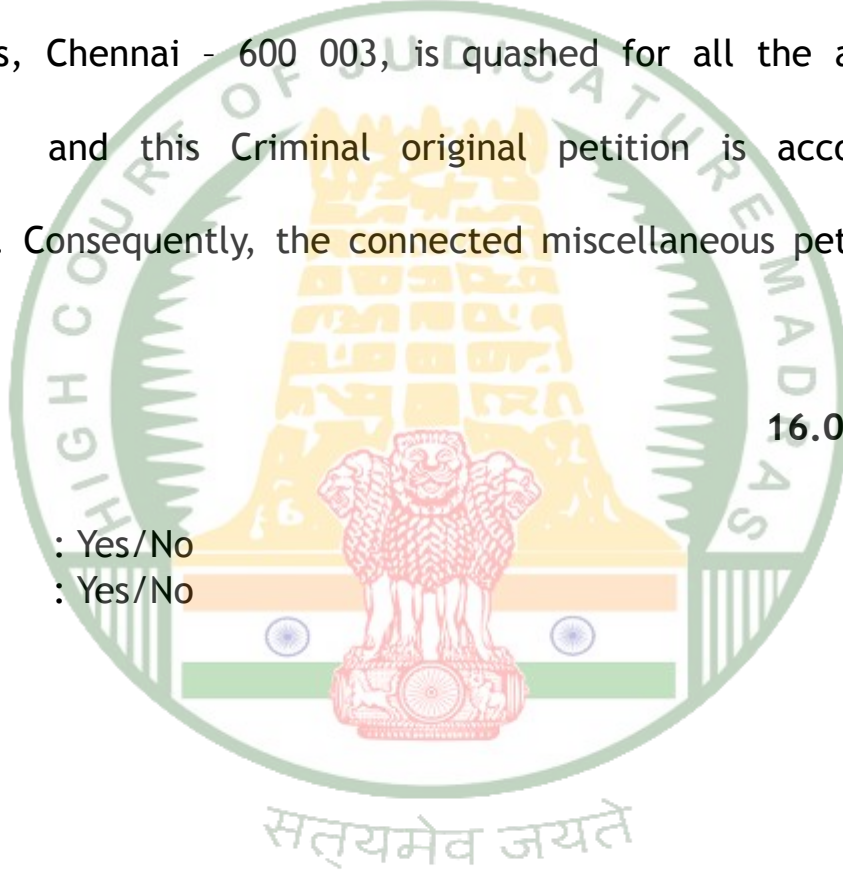
6. In the considered view of this Court, the order passed by this Court in Crl OP No.3 of 2009 will enure to the benefit of all the other accused persons also, since the same mandatory violation will also apply to them. This Court has considered the entire aspect in detail and there is no requirement for this Court

to once again undertake the said exercise in the present petition.

7. In view of the above, the proceedings in SMMF.No.01 of 2008 on the file of the XX Metropolitan Magistrate, Ripon Buildings, Chennai - 600 003, is quashed for all the accused persons and this Criminal original petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

16.03.2021

Index : Yes/No
Internet : Yes/No
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N. ANAND VENKATESH, J.

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To

1.The Chief Health Inspector and
Food Inspector,
Egmore Railway Station,
Southern Railway,
Chennai - 600 008.

2.The Chief Medical Superintendent,
(Local Health Authority), Railways,
Egmore, Chennai - 600 008.

3. The XX Metropolitan Magistrate,
Ripon Buildings, Chennai - 600 003

2. The Public Prosecutor,
High Court, Madras.



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