



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.19965 OF 2017 AND
CRL.M.P.NOS.12046 & 12047 OF 2017

V.Vedagiri

...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 Criminal Procedure Code, to call for the records relating to SMMF No.1 of 2008 on the file of the XX Metropolitan Magistrate, Ribbon Building, Chennai - 600 003 and quash the same.

For Petitioner : Mr.K.Balaji

For Respondents : Mr.P.T.Ram Kumar,
Standing Counsel for Railways

O R D E R

This petition has been filed to quash the proceedings in SMMF.No.1 of 2008 on the file of the XX Metropolitan Magistrate, Chennai as against the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is the third accused in the above case and as against the second and fourth accused, this Court has already quashed the proceedings in Crl.O.P.No.17931 of 2017 on 31.08.2017 and in Crl.O.P.No.3 of 2009 on 06.01.2009 and hence, the charges against the petitioner has also to be quashed.



3. The petitioner along with other accused have been prosecuted for violating the mandatory provisions of Prevention of Food Adulteration Act and this Court has quashed the proceedings against the A2, who is a manufacturer and A4, who is a licensee and the same benefit has to be extended to the present petitioner.

4. This Court while quashing the charge against A2 manufacturer in Cr.O.P.No.3 of 2009 on 22.03.2017 relying on the judgment of High Court of Himachal Pradesh in the matter of Rattan Lal Vs. State of Himachal Pradesh reported in FAC 1991 [I] 179 has held that it is incumbent upon the authorities concerned to have the samples analyzed and the prosecutions launched with inordinate delay taking the accused right to get the sample tested from the Director of Central Food Laboratory would tantamount to denial of his valuable and mandatory right under section 13 [2] of the Act and delay in such matters against the express mandatory provisions made in law and the Rules have to be tested with full deference and cannot be given a go-by in a light-hearted fashion and quashed the charges against A2 and subsequently, based on the above Order, in CrI.O.P.No. 17931 of 2017 on 31.08.2017, the charges against A4, who is a licensee, has also been quashed.

5. Considering the above and as the charges against the manufacturer and the licensee have already been quashed, the petitioner, who is A3 and who is a distributor is also entitled to such a benefit and the charges against the petitioner are liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the proceedings in SMMF.No.1 of 2008 on the file of the XX Metropolitan Magistrate, Chennai as against the petitioner is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vrc/kbs



To

1. The XX Metropolitan Magistrate,
Ripon Buildings, Chennai - 600 003.
2. The Chief Health Inspector and
Food Inspector,
Egmore Railway Station,
Southern Railway, Chennai - 600 008.
3. The Chief Medical Superintendent,
(Local Health Authority), Railways,
Egmore, Chennai - 600 008.

+1cc to Mr.P.T.Ram Kumar,, Advocate, S.R.No.58825

+1cc to Mr.K.Balaji, Advocate, S.R.No.59106

Crl.O.P.No.19965 of 2017 and
Crl.M.P.Nos.12046 & 12047
of 2017

PMK (CO)
PM/21/12/2021