

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1569 of 2012

Umakanta Mohapatra *Petitioner*
State of Orissa *Opposite Party*
versus-

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
01.08.2022

12. 1. This matter is taken up through hybrid mode.
2. 2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order of cognizance dated 9th January, 2009 passed by the learned S.D.J.M., Nayagarh in 2(c)C.C. No.1 of 2009.
3. 3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
4. 4. The Petitioner being indicated in the aforesaid case for alleged commission of offences under Section 7(i)(iii) & 16(a)(i)(ii) of Prevention of Food Adulteration Act, 1954 has sought for quashment of the order of cognizance.
5. 5. During the course of hearing, learned counsel for the Petitioner submits that the issue involved in this Criminal Misc.

Case is squarely covered by the decision of this Court in the case of *Pepsico India Holdings Private Limited v. Food Inspector and Another*, reported in (2011) 1 SCC 176 which has been reiterated by this Court in the case of *M/s. Hindustan Lever Limited v. Sri A. Nayak, Food Inspector, Rourkela Municipality, Rourkela, Sundargarh and Another* [CRLMC No.2001 of 2006 disposed of on 13th January, 2021]. It is thus stated that this Criminal Misc. Case may also be disposed of in terms of that decision. The same is not disputed by the learned counsel for the State.

6. Considering the aforesaid submissions, the CRLMC is allowed in terms of the decision rendered in the aforesaid cases and consequently the impugned order as well as the criminal prosecution launched against the Petitioner in 2(c)C.C. No.1 of 2009 stands quashed.

(S. Pujahari)
Judge

DA