



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 5965 of 2022
& CrI.MP.Nos. 3314 & 3315 of 2022

1.P.Thirumoorthy

...petitioner

2.M/s. Sakthi Fruit Products,
Represented by its authorised person
P.Thirumoorthy, son of Palaniswamy Gounder,
No.3a, Vettuvapalayam Main Street,
Nasiyanur, Erode - 638 107.

Vs.

The Food Safety Officer,
Coimbatore Corporation Section, Code No. 555.
219, Race Course Road,
Coimbatore - 641 018.

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C , to
call for records in S.T.C.No.373 of 2020 on the file of the Honble Judicial
Magistrate Court No.1 Coimbatore and quash the complaint in STC No. 373
of 2020.

For Petitioner : Mr.M.Rajaraman



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For Respondent : Mr.s.Vinoth Kumar
Government Advocate (Crl. side)

ORDER

The petitioner herein filed this petition to call for records in S.T.C.No.373 of 2020 on the file of the Honble Judicial Magistrate Court No.1 Coimbatore and quash the complaint in STC No. 373 of 2020.

2. The case of the prosecution is that On 21.12.2018, the complainant gone to Suhani corporation at No. 354, Theppakula Veedi - 1, Coimbatore with an intention to take samples and at that time the first accused was selling food items in his shop to the general public. The complainant enquired about Processed Papaya Soaked in Sugar Syrup to the first accused and had taken samples of the said produce and sent the same to the food analyst on 21.12.2018 and the Analyst tested the product from 24.12.2018 to 16.08.2019 and sent a report on 21.08.2019 stating that sample had added color exceed the defined limit is unsafe. When the report had sent this accused and the second accused had sent a letter that the product had already lost its expiry. The complainant had sought for permission to file case against the accused to the designated officer and the same was granted



by the commissioner of Food Safety and hence he filed the above complaint before the Judicial Magistrate No. 1, Coimbatore under the Section 59(i) of Food Safety and Standards Act, 2006 and 190(1)(A) and 200 CPC. Hence, the petitioner filed this petition to quash the said complaint.

3. Heard both sides.

4. Considering the submissions on either side, the fact the Food analyst given a report that sample is unsafe. It is matter for trial, the petitioner can work out his remedy before the Trial Court. I am not inclined to allow this petition. However, the appearance of the petitioner is ordered to be dispensed with.

5. In the result, this petition is dismissed. No Costs. Consequentially, connected miscellaneous petitions are closed.

20.03.2024

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To
The Public Prosecutor, High Court, Madras.

T.V.THAMILSELVI, J.

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