



Crl.O.P.No.12309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

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

Crl.O.P.No.12309 of 2022

and

Crl.M.P.Nos.6875 & 6876 of 2022

M/s.S.S.Essence Pvt Ltd.,
rep. by ts Director
Surendran N.P.

... Petitioner

Versus

State rep. by its
Food Safety Officer,
Melvisaram, Ranipet Municipality,
Code No.506, Authorised Officer,
Tamil Nadu Food Safety and Standard
Act Department, Drug Administration Department,
2nd Floor, B Block, Collector Office Building
Vellore Dt.-632 009.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.T.C.No.763 of 2018 on the file of District Munsif cum Judicial Magistrate, Ranipet and quash the same with regard to the petitioner.



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For Petitioner : Mr.T.Muruganantham
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the complaint in S.T.C. No.763 of 2018 on the file of District Munsif cum Judicial Magistrate, Ranipet, Vellore Dt.

2. Heard both sides.

3. The case of respondent is that the petitioner is a Director of M/s.S.S.Essence Pvt. Ltd., who engaged in manufacturing of SNT-1, Premium Zarda Scented tobacco and having business at Hosur Road, Bangalore. While so, on 24.09.2017, when the respondent visited his shop and found tobacco products weighing 520 kgs. in 13 small pockets, which were banned items in Tamil Nadu and the petitioner was asked about the address and other particulars of tobacco product manufacturer, he did not disclose the same. Hence, the petitioner was charged under Sec.27 of the Act along with 58, 59(1) of Food Safety and Standard Act. Accordingly, a complaint was lodged before the District Munsif cum



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Judicial Magistrate, Ranipet and the same was taken on file in S.T.C.No.763 of 2018.

4. The learned counsel for petitioner would submit that he is having valid license at Karnataka and based on that only, he manufactured the scented tobacco, besides sanction was obtained within 14 days from the date of sample order. Therefore, the proceedings initiated by the respondent under Sec.58, 59(1) of Food Safety and Standard Act, 2006 is tainted with illegality and the same is liable to be quashed.

5. By way of reply, learned Government Advocate (Crl. Side) appearing for respondent would submit that he is not having license to manufacture the scented tobacco products at Tamil Nadu and he has not produced any license order to sell the same. Hence, he prayed to dismiss this petition.

6. Admittedly, the petitioner is not able to produce the license to sell the tobacco products at Tamil Nadu. Furthermore, if at all, any defence is available for the petitioner in respect of obtaining sanction, he is entitled to putforth the same before the trial court. So, the allegations



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levelled against the petitioner needs detailed trial. Therefore, this court is not inclined to quash the proceedings initiated against him. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

23.02.2024

Index: Yes/No
Internet: Yes/No
rpp

To

1. Food Safety Officer,
Melvisaram, Ranipet Municipality,
Code No.506, Authorised Officer,
Tamil Nadu Food Safety and Standard
Act Department, Drug Administration Department,
2nd Floor, B Block, Collector Office Building
Vellore Dt.-632 009.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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