



CrI.O.P.(MD)No.3343 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.3343 of 2022

and

CrI.M.P.(MD).No.2473 of 2022

1.Jeyanthi

2.Nagaraj

3.TTK Aqua Industries,

Represented by its Proprietor Jeyanthi ... Petitioners / Accused
Nos.1 to 3

Vs.

1.State represented by the

Food Safety Officer,

Food Safety and Drugs Administration Department,

Code No.111, Kottampatti Union,

Health and Family Welfare Training Centre,

Viswanathapuram,

Madurai-625 014.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned proceedings in S.T.C.No.1106 of 2021 on the file of the Judicial Magistrate Court, Melur Madurai District and quash the same.

For petitioners

: Ms.L.Thenmozhi

For Respondent

: Mr.P.Kottaichamy

Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking to quash the proceedings in S.T.C.No.1106 of 2021 on the file of the Judicial Magistrate Court, Melur Madurai District, against the petitioners herein.

2. The case of the prosecution is that on 14.09.2020 when the respondent / Food Safety Officer herein has taken a sample of water from the petitioner's company and it was found that the water in the bottle was not safe for drinking purpose and a report was obtained on 02.12.2020 stating that it was "unsafe". Hence, a private complaint under Section 190(1)(A) and 200 of Cr.P.C. has been filed by the respondent herein before the learned Judicial Magistrate, Melur, Madurai District and the same was taken cognizance in S.T.C.No.1106 of 2021 for the offence punishable under Section 59(i) of the Food Safety and Standards Act, 2006.

3. The learned counsel appearing for the petitioners would submit that there is no violation of any regulation made by the petitioners stated in the complaint.



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4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in *State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*

6. For the reasons aforesaid, this Court finds no ground or scope to quash S.T.C.No.1106 of 2021, pending on the file of the learned Judicial Magistrate, Melur, Madurai District. Accordingly, this Criminal



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Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

01.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The Judicial Magistrate Court,
Melur, Madurai District.

2.The Food Safety Officer,
Food Safety and Drugs Administration Department,
Code No.111, Kottampatti Union,
Health and Family Welfare Training Centre,
Viswanathapuram,
Madurai-625 014.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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