



\$~18

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1762/2009

PAWAN KUAMR

.....Petitioner

Through: Mr. Shivcharan Garg, Mr. Imran Khan and Ms. Jahanvi Garg, Advocates.

versus

GOVT. OF N.C.T. OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, Ld. APP along with Mr. Naresh Chahar, APP for the State with SI Mahendra, PS Narela and Seema Rani FSO .

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **23.09.2024**

1. The Petition under Section 482 of CrPC has been filed on behalf of the petitioner for quashing of FIR No. 178/2008 under Section 7 of the Essential Commodities Act, 1955 registered at Police Station Narela.
2. It is submitted that the petitioner is a sole proprietor of M/s Gurdayal Oil and General Mills, established in 1978 by Late Sh. Lala Gurudayal Mal, who expired on 16.07.1981. Thereafter, the firm was managed by his wife, Smt. Angoori Devi, who also expired on 15.01.2021 since then the present petitioner i.e. Mr. Pawan Kumar has been continuing business as the Sole Proprietor.
3. The petitioner is manufacturing and packing mustard oil for sale and



has good reputation in the market. He has the requisite license under The Edible Oils (Licensing & Control) order, 1977; Industrial License issued by the MCD since 1978; Health Certificate issued by the MCD; Trade Mark Certificates from the Trade Mark Registry; An Agmark certification; a Certificate of Registration with Weights and Measures Department and the Certificate as an authorized Packer dated 10.07.2022. It is submitted that an Inspection was carried out on 12.04.2008 and FIR under Section 7 of the Essential Commodities Act was registered for alleged violation of the Edible Oil Packaging (Regulation Order 1998).

4. The petitioner was unable to produce his Registration Certificate authorizing him to pack mustard oil and also no laboratory for testing the quality of mustard as per necessary norms at packaging unit or elsewhere outside the premises.

5. The petitioner was admitted to bail on 08.12.2008.

6. The petitioner has submitted that he was having a valid License for packaging under the Edible Oils Packaging (Regulation) Order, 1998 which has also been confirmed by the respondent. It is, therefore, submitted that the FIR may be quashed.

7. The learned Prosecutor has vehemently opposed the quashing by saying that the License which has been verified and on which reliance has been placed by the petitioner is not the same which was required for running his Mustard Oil Factory and therefore, there cannot be any quashing.

8. **Submissions heard.**

9. The Status Report has been filed and the same is taken on record. It is submitted that the requisite permission/license of Registration Certificate which allow him to pack the oil, has not been furnished. In the subsequent



Status Report the records have been verified and it has been found that the petitioner had made the application in the name of M/s Gurdayal Oil and General Mills vide Diary No.46 dated 25.06.2008 and the same had been approved on 19.11.2008 with directions to ASC (Food) to issue license to the applicant. Along with the Report, the Certificate of Registration under Weights & Measurement Department have been annexed. However, the Chargesheet is in respect of not having license under The Edible Oils Packaging (Regulation) Order, 1998. The petitioner is claiming that he has the valid license. There is no reason for quashing the FIR at this stage.

10. The petitioner is at liberty to show before the learned Trial Court whether it had the requisite licenses and if so produced, the Trial Court may proceed in accordance with law.

11. The petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 23, 2024

RS/VA