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CRL.O.P.No.1526 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1526 of 2023

AND

Crl.M.P.Nos.866 & 867 of 2023

1.S.Dipesh Bohra
2.S.Prakash Chand

.. Petitioners

Vs.

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

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings in S.T.C.No.373 of 2020 on the file of the Judicial Magistrate Court No.I, Coimbatore insofar as the petitioners.

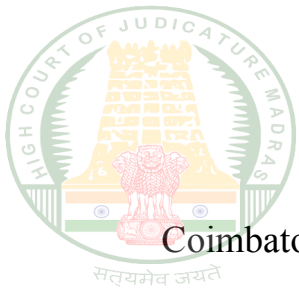
For Petitioners : Mr.M.Rajaraman

For Respondent : Mr.K.M.D.Muhilan

Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in in S.T.C.No.373 of 2020 on the file of the Judicial Magistrate Court No.I,



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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. The designated officer sent a letter stating 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 learned Judicial Magistrate No.I, 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 and perused the materials available on record.



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4. Considering the submissions made on either side, the fact the Food analyst given a report that the sample is unsafe. It is a matter for trial and the petitioners can work out their remedy before the Trial Court. Hence, I am not inclined to allow this petition. However, the appearance of the petitioners before the learned Judicial Magistrate No.I, Coimbatore, is ordered to be dispensed with.

In the result, this petition is dismissed. Crl.M.P.No.867 of 2023 is allowed.
Consequently, Crl.M.P.No.866 of 2023 is closed.

19.02.2025

gya

Index : Yes/No

NC : Yes/No



CRL.O.P.No.1526 of 2023

G.K.ILANTHIRAIYAN, J.

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To

1.The Food Safety Officer
Coimbatore Corporation Section, Code No. 555
Food Safety and Drug Administration Department
219, Race Course Road, Coimbatore - 641 018

2.Judicial Magistrate Court No.I
Coimbatore

3.The Public Prosecutor
High Court, Madras

Crl.O.P.No.1526 of 2023

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