



CRL OP(MD). No.22604 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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1. Manna Food Private Limited,
A Company incorporated under the Companies Act, 1956,
Having registered at Prestige Shantiniketan,
The Business Precint, Tower C,
16th Floor, Whitefield Main Road,
Mahadevpura Post, Bangalore,
Karnataka-560049. Rep.by its Authorized Signatory,
Viknesh.S.
 2. Britannia Industries Limited,
A Company incorporated under the Companies Act, 1913,
Having its registered office at,
5/1A, Hungerford Street,
Kolkatta-700 017.
Represented by its Authorized Signatory,
Tahir Nizami.
- ... Petitioners

Vs

Food Safety Officer,
Thenkasi Circle, Code No.291
Tamil Nadu Food Safety and Drugs Department,
Government Primary Health Care Center Premises,
Vadakarai, Keezhpidaigai-627 812.
Tirunelveli District.

... Respondent

PRAYER :- Criminal Original Petition is filed under Section 482 of



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Criminal Procedure Code, to call for the records in STC No.285/2020 pending on the files of the Learned District Munsif Cum Judicial Magistrate, Senkottai, Tenkasi District, and Quash the Complaint, and consequently the proceedings initiated in furtherance thereto.

For Petitioner : Mr.R.S.Diwaagar
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in STC No. 285/2020 pending on the file of the learned District Munsif Cum Judicial Magistrate, Senkottai, Tenkasi District, registered for the offences under Section 3(1)(zz), 59 (1) of Food Safety and Standards Act, 2006 [hereinafter referred to as '*the Act*'].

2. It is the case of the respondent that they had received a complaint from one Srikala on 27.01.2018 stating that there were worms in the “Bourbon” biscuits, which was purchased by her; that thereafter, the respondent took the biscuit packet which was purchased from the first accused; and that the said packet was sent for analysis; that the analyst found the sample to be 'unsafe' under Section 3(1) of the Act; and that the respondent after obtaining sanction from the Commissioner of Food



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Safety on 06.06.2018 filed the impugned complaint.

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3. The learned counsel for the petitioners would submit that though the petitioners are said to be the manufacturers of biscuit, they cannot be made liable if the biscuits were stored in an unhygienic condition. In any case, the analyst has not sent the report within the mandatory time period of 14 days which is in violation of Section 46(3) of the Act and that the complaint by the respondent is barred by limitation prescribed under Section 77 of the Act and therefore, the impugned complaint is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that mere non-sending of the report within a period of 14 days cannot be a sole ground to quash the proceedings, as the petitioners have not chosen to exercise their option to have the sample tested by the Central Authority and no prejudice has been caused to them and that the impugned prosecution is not barred by limitation. The respondents also filed a counter to that effect.



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5. It is seen from the records that the impugned complaint was filed on 01.07.2020. It is not in dispute that the alleged complaint was received from Srikala on 27.01.2018. The sample was sent for analysis on 30.01.2018 and the analyst sent his report stating that the sample is unsafe on 09.03.2018. The Commissioner of Food Safety and Drug Administration had granted sanction on 06.06.2018.

6. Section 77 of the Food Safety and Standards Act, 2006 reads as follows.

“77. Time limit for prosecutions.—Notwithstanding anything contained in this Act, no court shall take cognizance of an offence under this Act after the expiry of the period of one year from the date of commission of an offence: Provided that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of up to three years. ”

7. The above provision makes it very clear that no Court shall take cognizance after the expiry of a period of one year from the date of the commission of the offence. Thus, as per the Act, the respondent ought to have filed a complaint on or before 27.01.2019. The proviso to the above



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extracted provision enables the Commissioner of Food Safety to approve the prosecution within an extended period of upto three years, for reasons to be recorded in writing.

8. However, the records do not reveal that the Commissioner of Food Safety had extended the period upto three years for initiating the complaint. The learned Additional Public Prosecutor, on instructions, was not able to produce any document or communication by the Commissioner extending the period of limitation. The counter also is silent on this aspect, though it vaguely states that the complaint is not barred by limitation.

9. Therefore, this Court is of the view that the impugned prosecution is barred by limitation and is liable to be quashed, on this ground alone and is accordingly, quashed. The Criminal Original Petition stands allowed.

16.10.2025

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Tamil Nadu Food Safety and Drugs Department,
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SUNDER MOHAN,J

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IN
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Date : 16/10/2025