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Crl.O.P.No.6343 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

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

Crl.O.P.No.6343 of 2023
and Crl.M.P.No.4005 of 2023

Top Anil Marketing Company,
Rep. by M.Kadar Rafi
F1 SIDCO (DMT) Industrial Estate,
Dindigul – 624 003.

.... Petitioner

Vs

The State rep by
M.S.Murugesan,
Food Safety Officer,
Unit No.589, Tirupur Corporation.
O/o.Food Safety and Drug Administration
Department Tamil Nadu,
No.428-431, Collectorate Campus, Tiruppur.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC.No.337 of 2018 on the file of the Judicial Magistrate No.I, Tiruppur, Tiruppur District and quash the same against the petitioner/Accused-1.

For Petitioner : Mr.V.Balamurugan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC.No.337 of 2018 on the file of the Judicial Magistrate

No.I, Tiruppur, Tiruppur District.
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2. The respondent filed a complaint against the petitioner for the alleged contravention of Section 3(1)(zz) of Food Safety and Standards Act, 2006, punishable under Section 59(i) and 63 of the said Act, alleging that a sample was drawn on 23.11.2017 at about 6.30 p.m. from the petitioner Company in respect of one packet of Anil Roasted Rava (10kg) and the same was sent to the Food Analyst on 23.11.2017. The food product was subjected to analysis between 17.01.2018 to 24.01.2018. The Food Analyst's Report was forwarded to the respondent herein and after obtaining sanction, prosecution was lodged against the petitioner.

3. The learned counsel for the petitioner raised the ground that after the expiry of food, analysis was made between 17.01.2018 and 24.01.2018. If the sample had been analysed before 08.12.2017, it would be in a very good condition since the product was manufactured on 07.11.2017.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that as per the Food Analyst's report, the food product which was drawn from the petitioner is unsafe and it is clear contravention of the provisions under Section 3(1)(zz) Food

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Safety and Standards Act 2006. After obtaining the necessary sanction, the respondent has lodged the prosecution as against the petitioner. He further submitted that the grounds raised by the petitioner are matters to be agitated before the Trial Court during the course of trial and the same cannot be considered by this Court while exercising its inherent jurisdiction under Section 482 of Code of Criminal Procedure.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The only ground raised by the petitioner is that the food product was subjected to analysis only between 17.01.2018 to 24.01.2018. The Analyst's Report states that the sample is unsafe and that there is a clear contravention of Section 3(1)(zz) Food Safety and Standards Act 2006. as the sample was found to be infested with living and dead larvae. On perusal of the label affixed on the food product, it is seen that the product was packed on 07.11.2017 and as per the specific instructions, it should be used within one month from the date of packing. Therefore, the said period can be construed as the shelf life or expiry period of the food product, which would expire after one month from the date of packing.

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7. Admittedly, the food product was subjected to analysis only after the expiry of its shelf-life. Once the shelf-life of the food product had expired, the sample was subjected to analysis and an opinion was framed that it is unsafe. When the analysis itself was conducted after the expiry of the shelf-life of the food product, the petitioner cannot be prosecuted on the basis of such an Analyst's report, since the reliability of the sample after the expiry period becomes questionable.

8. In view of the above, the proceedings in CC.No.337 of 2018 on the file of the Judicial Magistrate No.I, Tiruppur, Tiruppur District, as against the petitioner cannot be sustained and the same is liable to be quashed. Accordingly, the impugned proceedings are hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

11.03.2026

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Index:Yes/No
Internet:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No



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To

Judicial Magistrate No.I, Tiruppur, Tiruppur District



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G.K.ILANTHIRAIYAN, J.

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