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CrI.O.P.No.5927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

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

CrI.O.P.No.5927 of 2023

and

CrI.M.P.No.3907 of 2023

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

.... Petitioners

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 STC No.359 of 2018 on the file of the Judicial Magistrate No.II, Tiruppur, Tiruppur District and quash the same against the petitioner/Accused-1.

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



Crl.O.P.No.5927 of 2023

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ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C. No.359 of 2018 on the file of the Judicial Magistrate No.II, Tiruppur.

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 3.00 p.m. from the petitioner Company in respect of one packet of Anil Roasted Rava (1kg) and the same was sent to the Food Analyst on 24.11.2017. The food product was subjected to analysis between 17.01.2018 to 24.01.2018. The Food Analyst's Report dated 02.02.2018 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 food sample was analyzed after the expiry of the product. The food product was packed on 14.10.2017 and it got expired by two months. Though the sample was sent to the laboratory for analysis as



Crl.O.P.No.5927 of 2023

early as 24.11.2017, it was subjected to analysis only between 17.01.2018 to 24.01.2018, i.e., after the expiry of the shelf-life of the food product.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the food product was packed on 14.10.2017 and the label indicates that it should be used within two months for best use. Therefore, it doesn't mean that the product got expired within two months. 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 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 is drawn from the petitioner's unit has been sent for Food Analyst on 24.11.2017, though it was drawn from the petitioner's shop on 23.11.2017. However, the said 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 14.10.2017 and as per the specific instructions, it should be used within two months 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 two months from the date of packing.

7. Admittedly, the food product was subjected to analysis only after the expiry of its shelf-life. Once the shelf-life expiry of the food product had expired, the sample was subjected to analysis and got opinion 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.



Crl.O.P.No.5927 of 2023

8. In view of the above, the proceedings in STC No.359

of 2018 on the file of the Judicial Magistrate No.II, Tiruppur, as against

the petitioner cannot be sustained and the same is liable to be quashed.

Accordingly, the proceedings are hereby quashed and the Criminal

Original Petition stands allowed. Consequently, connected miscellaneous

petition is closed.

03.03.2026

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Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

To

The Judicial Magistrate No.II,

Tiruppur, Tiruppur District.



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CrI.O.P.No.5927 of 2023

G.K.ILANTHIRAIYAN, J.

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CrI.O.P.No.5927 of 2023

03.03.2026