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Crl.O.P. No. 10657 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2026

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 10657 of 2026

&

Crl.M.P. Nos. 7565 & 7566 of 2026

Arunkumar Pandey (Proprietor),
Palm Sugar and Palm Products,
Research and Promotion Foundation,
71, Mettuvalasu, Getticheiyur,
Erode District – 638 110.

..Petitioner

Vs.

State rep. by
Food Safety Officer,
Tamilnadu Food Safety and Drug
Administration Department,
Tiruchengode Municipality
(Code No. 445),
Tiruchengode, Namakkal District.

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the entire records in connection with STC No. 56 of 2024 on the file of the learned Judicial Magistrate, Tiruchengode, Namakkal District and quash the same, insofar as the petitioner is concerned.



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For Petitioner	::	Mr.M. Vijayaraghavan
For Respondents	::	Mr.R. Rajasekaran, Counsel for Govt. of Tamil Nadu (Crl.Side)

O R D E R

The present criminal original petition is filed to call for the records in connection with STC No. 56 of 2024 on the file of learned Judicial Magistrate, Tiruchengode, Namakkal District and to quash the same.

2. The case of the prosecution is that the petitioner is the Chairman and Proprietor of Palm Sugar and Palm Products Research & Promotion Foundation, which is involved in the research and manufacturing of various palm products including ‘Eat Rite Palmyrah Palm Jaggery’. On 22.04.2019, at about 11a.m., when the respondent went to inspect Medplus Pharmacy situated at Door No.182, Bungalow Street, Tiruchengode, he sent a sample of ‘Eat Rite Palmyrah Palm Jaggery’, which was kept for supply in the said pharmacy, for analysis, to check its quality, to the Food Analysis Laboratory, King Institute, Guindy, Chennai, on the same day, i.e., on 22.04.2019. Thereafter, the Food Analyst had forwarded his report dated



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13.09.2019 to the Designated Officer stating that the product was found to be sub-standard and unsafe. Thereafter, the complaint came to be lodged by the respondent.

3. Based on the complaint given by the respondent/de facto complainant, cognizance was taken in STC No. 279 of 2020 and charges were framed under Sections 59(i) and 51 of The Food Safety and Standards Act, 2006. Later on, the case was split up against the petitioner herein and it was taken on file in STC No. 56 of 2024 by the learned Judicial Magistrate, Tiruchengode, Namakkal District and the same is pending trial.

4. Learned counsel for the petitioner would submit that though the respondent herein had sent the food sample, namely, ‘ Eat Rite Palmyrah Palm Jaggery’ to the Food Analysis Laboratory, King Institute, Guindy, Chennai, on 22.04.2019, the Food Analyst had sent his report to the Designated Officer on 13.09.2019, which is beyond the period of 14 days from the date of receipt of the food sample, thereby violating Section 42(2) of The Food Safety and Standards Act, 2006. Moreover, the Food Analyst had neither informed the Designated Officer and the Commissioner of Food Safety nor submitted any report stating the reasons for the delay in sending



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the analysis report of the food sample, which is in violation of Section 46(3)

of the said Act. Further, learned counsel for the petitioner would submit that

as per Section 42(3) of the said Act, *'the Designated Officer after scrutiny of*

the report of Food Analyst shall decide as to whether the contravention is

punishable with imprisonment or fine only and in the case of contravention

punishable with imprisonment, he shall send his recommendations within

fourteen days to the Commissioner of Food Safety for sanctioning

prosecution". That being so, in the case on hand, the Designated Officer has

sent his recommendation to the Commissioner of Food Safety for

sanctioning prosecution only on 22.11.2019 much beyond the period of 14

days stipulated under Section 42(3) of the said Act and the sanction for

initiating prosecution was accorded only on 28.11.2019. Besides, the

learned counsel for the petitioner submitted that the proceedings as against

the co-accused have been quashed by this Court by order dated 15.09.2022

in Crl.O.P. No. 3806 of 2022. Hence, the learned counsel prayed for

quashing the proceedings as against the petitioner as well.

5. Heard the learned Government Counsel for the respondent and perused the materials on record.



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6. It is seen that this Court, in respect of co-accused/A2

toA4, in Crl.O.P. No. 3806 of 2022, following the order dated 06.08.2020 passed in Crl.O.P. No. 774 of 2020, in identical circumstances, has quashed the proceedings by order dated 15.09.2022, and the operative portion of the order reads thus:

“4. Therefore, this Court is inclined to quash the impugned proceedings also. Accordingly, the criminal original petition is allowed and the entire proceedings in STC No. 279 of 2020 on the file of the learned Judicial Magistrate No.IV, Thiruchengode, thereby taken cognizance for the offences under Sections 59(i) and 51 of The Food Safety and Standards Act, 2006 is quashed as against the petitioners alone....”

7. In the light of the above order passed by this Court in respect of co-accused, following the same, the proceedings in STC No. 56 of 2024 on the file of learned Judicial Magistrate, Tiruchengode, Namakkal District, is quashed as against the petitioner and the criminal original petition is allowed.

24.06.2026

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M. NIRMAL KUMAR,J.

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To

1. The Judicial Magistrate, Tiruchengode,
Namakkal District.
2. Food Safety Officer,
Tamilnadu Food Safety and Drug
Administration Department,
Tiruchengode Municipality
(Code No. 445),
Tiruchengode, Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

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