



CrI.OP(MD).No.3200 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2026

CORAM :

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.3200 of 2025

and

CrI.M.P.(MD).Nos.2162 & 2163 of 2025

1. R.RAGU

2. RAJANARAYANAN

3. R. PRABHU

4. CUMBUM VALLEY WINERY (P) LTD.

No. 186, China Ovalapuram

Uthamapalayam Taluk

Theni District.

...Petitioners/Accused Nos.2 to 4

Vs

Mohammed Ismail Kasim

Food Safety Officer (Code No. 514/516)

Aruppukottai and Sattur (I/c)

Virudhunagar District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the impugned proceedings against the petitioners in S.T.C.No. 186/2024 on the file of the learned Judicial Magistrate Court, Aruppukottai ,Virudhunagar District and quash the same as illegal.



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For Petitioner : Mr.S.M.Rama Siva

For Respondent : Mr.B.Arun
Counsel for State of TN (crl.side)

ORDER

The present petition has been filed by Accused Nos.2 to 4 in STC.No.186 of 2024 on the file of the learned Judicial Magistrate, Aruppukottai, seeking to quash the private complaint initiated by the respondent herein seeking to punish the petitioners under section59(i) of Food Safety and Standards Act, 2006.

2. A perusal of the records reveal that the petitioners herein are manufacturers of wine and, after obtaining report from the Assistant Director of the Forensic Sciences Department, Chennai, they supplied the wine to TASMAL. Samples were collected by the respondent from Shop No. 11802 at Aruppukottai on 11.11.2021 and the same were sent to the Food Analysis Laboratory, Thanjavur, on 15.11.2021. The laboratory report was received on 29.06.2022, stating that the wine bottles were misbranded, substandard, and unsafe. Therefore, a private complaint was lodged on 05.09.2024.

3. According to the learned Counsel appearing for the petitioner, the alcoholic beverages were properly tested and approved by the Forensic Science Department. After clearance through laboratory testing, the wine bottles were



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sent and sold through TASMAL shops, and the petitioners' responsibility ends at that stage. He further submits that if there is any adulteration in the wine, only TASMAL can be proceeded against.

4. The learned Counsel appearing for the petitioner relies upon Section 77 of the Food Safety and Standards Act, 2006, and contends that the prosecution was not initiated within a period of one year from the date of manufacture.

5. Heard the learned Counsels appearing for the petitioner and perused the materials available on record.

6. The dates and events narrated above clearly indicate that the sample was taken on 11.11.2021 and the lab report was received on 29.06.2022. At least from the date of receipt of the lab report, the private complaint ought to have been lodged within a period of one year in order to comply with the provisions of the Food Safety and Standards Act, 2006. However, in the present case, the private complaint has been filed only on 05.09.2024, which is beyond the prescribed period of one year.

7. In view of the above-stated facts, it is clear that the Court cannot take cognizance of the offence under the Food Safety and Standards Act, 2006 after the expiry of one year from the date of commission of the offence and it is barred by limitation.



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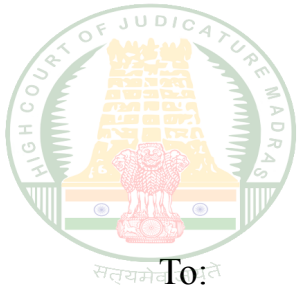
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8. In such circumstances, the continuation of the criminal proceedings against the petitioners would amount to an abuse of process of law. Hence, the charge sheet in STC.No.186 of 2024 on the file of the Judicial Magistrate, Aruppukottai is quashed as against the petitioners herein.

9. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

02.06.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To:

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1. The Judicial Magistrate, Aruppukottai
2. The Food Safety Officer,
Aruppukottai and Sattur ,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

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