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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34903-2013

Reserved on : 16.02.2026

Pronounced on: 09.03.2026

Uploaded on : 10.03.2026

Pepsico India Holdings Pvt. Ltd.

..... Petitioner

Versus

State (Union Territory Chandigarh) and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.S. Cheema, Senior Advocate with
Mr. Rajesh Batra, Advocate
Mr. Ishan Khetarpal, Advocate and
Mr. Satish Sharma, Advocate for the petitioner.

Mr. J.S. Toor, Sr. Advocate with
Mr. Adhiraj Toor, Advocate and
Mr. Jasbir Singh, Advocate for respondent-U.T. Chandigarh.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing of setting aside the impugned order dated 27.08.2012 (Annexure P-1) issuing process under Section 20 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as PFA Act) passed by Ld. Chief Judicial Magistrate, Chandigarh and quashing of proceedings in Complaint case No.PFA-282/2006 dated 22.11.2006 titled as '***State (Chandigarh Administration) Vs. Mahesh and others***' under Sections 7 and 16 of PFA Act, read with Clause (c) of Rule 32 of the PFA Rules, 1955.

2. Succinctly, facts of the case are that the present petition arises out of a complaint filed by respondent No.2 against Mahesh and Tara



Chand, owner and licensee of vendor firm i.e. M/s Goel Wool and General Store, S.C.F.77, Sector-15 D, Chandigarh for keeping misbranded Mountain Dew Sweetened Carbonated Water Bottles under Section 2(ix)(k) in his possession which was meant for sale to general public and the same was sold to him and thus, committed the offences punishable under Section 16(1) (a)(i) read with Section 7 of the PFA Act. On 15.09.2004, Food Inspector visited the premises of M/s Goel Wool and General Store, Chandigarh and the Food Inspector after disclosing his identity demanded a sample of Mountain Dew Sweetened Carbonated Water for analysis and examination. The Public Analyst issued a certificate dated 19.09.2006, as per which the product has not been labelled in accordance with the provisions of Rule 32 of PFA Act and Rules, 1955, and hence, the sample was misbranded for the reason that the complete address of the manufacturer has not been mentioned on the same. On the basis of the report of Public Analyst, the complaint was filed before Ld. Chief Judicial Magistrate, Chandigarh against the accused persons. On the presentation of the complaint, the petitioner was summoned by the trial Court vide summoning order dated 27.08.2012, upon an application filed by the co-accused under Section 20-A of the PFA Act. Aggrieved by the same, the petitioner has approached this Court praying for quashing of the impugned complaint and the impugned summoning order. It is apposite to mention here that the petitioner company has been amalgamated with M/s Aradhana Soft Drinks Company vide order dated 14.10.2011 passed by this Court in Company Petition bearing No.55 of 2011 and thus, has been arrayed as an accused No.3 in the aforementioned complaint.



3. Learned Senior counsel for the petitioner-company has vehemently contended before this Court that the petitioner has been falsely and frivolously prosecuted in the impugned complaint and thus, has been illegally summoned vide impugned order dated 27.08.2012. It is submitted that the address, as per the report of the Public Analyst, clearly provides the complete address and details of the Company alongwith PINCODE. He submits that the address given, cannot be said to be incomplete address especially in view of the fact that it includes the postal address of the factory of the manufacturing company. It is submitted that the address printed on the label is sufficient to identify the manufacturer so as to verify the character, quality and quantity of the article and that mere fact that name of the State is not printed, does not in any way defeats the object of provision to find out the whereabouts of the manufacturer. It is submitted that the alleged infringing label has not been placed on record and the report of public analyst with respect to misbranding on account of label being not there, is an opinion which is not based upon any chemical or physical analysis. He has placed reliance upon the judgments passed in '*Nirma Ltd. Vs. State of Punjab, MANU/SC/0585/2015*', '*Hindustan Lever Ltd. Vs. Govt. G.I., Hoshiarpur, 2011 SCC OnLine P&H 8241*', '*Britannia Industries Ltd. Vs. UOI, MANU/PH/1910/2012*', '*Harkirat Singh Vs. State of Punjab, MANU/PH/2041/2008*', '*R.K. Mittal Vs. Dr. B. Roy Chowdhuri MANU/WB/0458/1984*' and '*Dwarka Nath Vs. MCD, 1971(2) SCC 314*' and has submitted that the impugned summoning order has been passed in a mechanical manner without application of judicial mind, which is totally in violation of the law settled. It is submitted that learned trial Court without



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considering the fact that there is no evidence on record forming basis for issuance of process against the petitioner-company, had summoned the petitioner-company merely on an application filed by co-accused under Section 20-A of PFA Act, at an initial stage. The provisions of Section 20-A of PFA Act, have been misinterpreted by allowing the said application. He, thus, submits that the impugned order being cryptic and non-speaking, deserves to be set aside.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the bottles were inspected as per the procedure prescribed under the Act. He submits that sample from Mountain Dew Sweetened Carbonated Water Bottle was taken in accordance with law and as per report received on analysis, the sample was found to be misbranded. He has argued that the Pin Code is not a complete address in itself and is primarily for the facilitation of the postal authorities for delivery of the postal articles. It is submitted that such disclosure of the Pin Code does not presume knowledge of the area to every consumer and the absence of 'State' cannot be called complete address. It is further submitted that in terms of amended Rule 32(c)(i) w.e.f. 20.11.2001, the name and complete address of the manufacturer is to be disclosed, which necessarily means the name of the State as well. It has been submitted that the petitioner being responsible persons for the conduct of the business of the company, have been rightly prosecuted. However, he endorsed the fact that the address on the sample given includes the postal address of the factory of the manufacturing company.

5. After hearing learned counsel for the parties and perusing the



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record, it is inferred that the Food Inspector visited the premises of M/s Goel Wool and General Store, Chandigarh and demanded a sample of Mountain Dew Sweetened Carbonated Water for analysis and examination. Samples of the same were taken against the receipt. As per the report of the Public Analyst, product was found to be not labelled in accordance with the provisions of Rule 32 of PFA Act and Rules 1955, and hence, the sample was declared misbranded. However, main thrust of arguments raised by counsel for the petitioner is that the impugned summoning order is cryptic and non-speaking order. Hon'ble Supreme Court in case of '**Nirma Limited Vs. State of Punjab, 2015(2) RCR (Criminal) 469**' has held as under:

6. Before dealing with proviso(c) referred to hereinabove, it is necessary to keep in mind, that the consequences of non-compliance of proviso(c) are penal. In the above view of the matter, it is imperative to construe the provisions strictly. Proviso (c) requires the depiction of the "name and complete address" of the manufacturer, and the manufacturing unit. The extract of the address on the packages which were sought to be confiscated, reveals, that the name of the village and the district where the product was being manufactured, was clearly mentioned. In so far as registered office of the manufacturer is concerned, the road on which the same is located, as well as, the city in which it is located, were mentioned. Along with above depiction, in both cases(address of manufacturer and manufacturing unit), even the pin codes are mentioned (with reference to the manufacturer's address- 380 009; and with reference to the manufacturing unit's address- 364 313).

7. The question that arises for our consideration is, whether the depiction of the addresses would satisfy the requirement "complete address" contained in proviso(c), referred to and relied upon to initiate action against the appellant. In our considered view, the requirement of complete address would be satisfied if the implementing authority, or a consumer, or for that matter any other interested person, is in a position to locate the place of manufacture, as well as, the registered office of the manufacturer, on the basis of the address displayed on the label of the packaging.



In other words, the address would be deemed to be complete, if there would be no ambiguity in locating the place of manufacture, or the registered office of the manufacturer. It would be complete if the address depicted is not referable to more than one locations. Finding fault, for not mentioning the name of the State, in the instant case, would be permissible if the address indicated is referable to more than one States.

8. *It is not possible for us to conclude, that the address indicated on the products seized from the appellant, is referable to more than one "States". The simple reason therefore is, that the label on the packaging indicates the pin code along with the names of the city (Ahmedabad - 380 009) and Village (Kalatalav-364 313) with reference to the registered office of the manufacturer and the place of manufacture respectively. The above address, is in our view, satisfies the requirement of "complete address", because there would be no difficulty in locating the manufacturing unit, and the registered office of the appellant, from the address displayed on the label of the packing. Since the pin code is also mentioned, the address on the packaging would not lead to more than one locations. It is, therefore, not possible for us to accept, that the appellant had not depicted the complete address as required by proviso(c), relied upon by the authorities. It is accordingly not possible for us to conclude, that the product in question was misbranded, in terms of the provisions of the Food Adulteration Act, 1954. For the reasons recorded hereinabove, the instant appeal is allowed, and the proceedings initiated against the appellant, are quashed.*

6. For consideration of the statutory provisions of the P.F.A. Act, the relevant portion of the same reads as under:-

The Prevention of Food Adulteration Act, 1954

‘2. Definitions-*In this Act, unless the context otherwise requires,*

xxx xxx xxx

(ix) ‘misbranded’- an article of food shall be deemed to be misbranded-

xxx xxx xxx



(k) *If it is not labeled in accordance with the requirements of this Act or rules made thereunder;'*

'7. Prohibition of manufacture, sale, etc., of certain articles of food - No person shall himself or by any person on his behalf manufacture for sale, or store, sell or distribute

(i) xxx

(ii) any misbranded food;

"23. Power of the Central Government to make rules.

1. xxx

1-A. *In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-*

(d) *restricting the packing and labelling of any article of food and the design of any such package or label with a view to preventing the public or the purchaser being deceived or misled as to the character, quality or quantity of the article 4 [or to preventing adulteration]".*

7. In a judgment passed in ***'Hindustan Lever Limited Vs. Government Food Inspector, Hoshiarpur and another in CRM-M-40359 of 2007'***, the Hon'ble Division Bench of this Court has held as under:-

14. Coming to the question; as to whether the name of State is bound to be disclosed so as to meet the requirement of Rule 32(c) (i), it needs to be noticed that Rule 32 has been framed with a view to prevent the public or the purchaser being deceived or misled as to character, quality or quantity of the article in terms of Section 23 (1A) (d) of the Act. Though the Postal Index Number is meant to facilitate delivery of postal articles by the Postal Authorities, but the fact remains that such Postal Index Number is widely in use after the same was introduced in the year 1972. The Postal Index Number denotes not only the region, but also the State and also the postal area, where the manufacturing unit or the distributor is located. Such Postal Index Number is not an internal guideline shrouded in secrecy, but is widely publicized document propagated



to be used by all users of postal articles. Therefore, the printing of Pin code is sufficient to identify the location of the manufacturer or packer, as the case may be, which specifies the purpose of Rules contemplated by a Statute. The requirement of Rule is to be examined keeping in view expectations of the reasonable average citizen. The view of this Court in Harkirat Singh, Hasmukh Mewada and Mohini Tea Leaves cases (supra), that address given by the manufacturer or the packer, which includes the Pin code and as thus, the Food Inspector or any person authorised on the Rules have no difficulty in locating the address cannot be said to be against the objective and purpose of the Rules. The substance of the Rule is satisfied, when the name of the manufacturer and the address, which may be Pin code is sufficient to identify and locate the manufacturer. It is the substance, which is important and not the form thereof. Therefore, in our view the expression complete address appearing in Rule 32(c)(i) of the Rules, does not necessarily include the name of the State as well. Therefore, we approve the ratio of the judgments of this Court in Harkirat Singh, Hasmukh Mewada and Mohini Tea Leaves cases (supra) and answer the reference accordingly.

8. A perusal of the report of Public Analyst would show that ‘The product has not been labelled in accordance with the provisions of Rule 32 of P.F.A. Act 1954 and Rule 1955 as the complete address of its manufacturer i.e. name of the state has not been given. Hence, the sample is misbranded.

9. **“Rule 32(c)(i) of the Rules reads as under:-**

The name and complete address of the manufacturer and the manufacturing unit, if these are located at different places and in case the manufacturer is not the packer or bottler, the name and complete address of the packing or bottling unit as the case may be”

10. Thus, as per the above rule, the manufacturer is required to disclose its complete address of the packing unit amongst other things. In the



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present case, the name of the place of the packing with Pin Code was given and hence, the same could not be said to be misbranded.

11. Weighing the facts and circumstances of the present case, on the anvil of the law settled by Hon'ble the Supreme Court and the Hon'ble Division Bench of this Court, continuation of criminal proceedings against the petitioner would be nothing but an abuse of process of law. Accordingly, the present petition is allowed and impugned order dated 27.08.2012 (Annexure P-1) is set aside and proceedings under complaint case No.PFA-282/2006 dated 22.11.2006, are hereby quashed.

(RAJESH BHARDWAJ)
JUDGE

09.03.2026*ps-I*

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No