
(1992) 08 KL CK 0057
In the High Court Of Kerala
Case No : Criminal M.C. 706 of 1992

M.C. Solanki and Another

APPELLANT

Vs

Food Inspector

RESPONDENT

Date of Decision : 24-08-1992

Acts Referred:

Citation : (1992) 2 KLJ 532

Hon'ble Judges : M.M. Pareed Pillay, J

Bench : Single Bench

Advocate : K.P. Dandapani, for the Appellant; K.P.G. Menon, for the Respondent

Final Decision : Allowed

Judgement

M.M. Pareed Pillay, J.—Petitioners are A1 and A2 in S.T. 812 of 1991 of the Court of the Chief Judicial Magistrate, Kozhikode. They have filed the petition to quash the proceedings in S.T. 812 of 1991 on the ground that no offence has been disclosed in the complaint filed by the respondent. Annexure - A6 is the true copy of the Mahazar prepared by the respondent. It shows that the article seized was Coriander (Dhania Katuri). In the mahazar itself it is stated that the trader informed the Food Inspector that it is intended as a cattle feed. Counsel pointed out that the mere possibility of it being used for adulteration cannot be taken as a ground to prosecute the petitioners under the P.F.A. Act. Appendix - B provides various standards for various food articles. A.05.08 in Appendix - B relates to Coriander. (Dhania). A.05.08.01 relates to Consider (Dhania) Powder. Analyst's report Annexure - A8 shows that the sample consists wholly of coriander husk. In Annexure - A7 it is specifically mentioned that Rs. 3.75 was received from the Food Inspector towards the sale of coriander husk. Annexures-A1 to A4 also show that the article seized is coriander husk which could be used as a cattle feed.

As the article seized is not a food item for which standards have not been prescribed under the Act, it has to be necessarily held that the complaint launched against the petitioners is not maintainable under the P.F.A. Act. In that

view of the matter, the complaint hat to be quashed. The complaint is accordingly quashed. The petition stands allowed.