

Madras HC says police cannot probe charges under Food Safety Act

Seven months after a man was booked for smuggling 3,500 Kg of the banned tobacco, the high court asks police to drop charges under the Food Safety Act.

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Madras High Court (File Photo | D Sampath Kumar)

By Express News Service

Chennai The Madras high court on Friday made it clear that cases registered under the Food Safety and Standards Act cannot be investigated by police as the Act provides a different procedure to prosecute offences under the Act by a designated officer of the Food Safety and Standards Authority of India.

Justice Anand Venkatesh while passing the order, however, refused to quash the FIR filed against Thangarasu of Namakkal District who was an accused in the case for transporting the banned gutka, pan masala items of 3500 Kgs from Bengaluru.

The judge in his order observed, "In so far as the offences under Section 52 & 59 of the Food Safety and Standards Act, 2006 is concerned, it indeed provides for a different procedure to prosecute, for those offences, by a designated authority and there is a special statute which lays down the procedure for prosecuting an offence under the said Act. The offences under this Act cannot be investigated by the respondent Police and the respondent Police shall drop these offences in the course of an investigation and leave it to the appropriate authority to take action following the Food Safety and Standards Act, 2006."

According to the prosecution, the Sub- Inspector of Police, Paramathi Police Station, of Namakkal District on January 14, 2019, stopped a lorry near Keerambur toll plaza and found that it contained the banned items. On enquiry, it was found that it was transported from Bengaluru to the godown owned by the petitioner. The entire property was seized and based on the complaint given by the Sub-Inspector a FIR against four persons under various sections of IPC and COTPA Act, 2003 and Section 52 & 59 of Food Safety and Standards Act, 2006 was registered.

The court in its order observed that the police are not the competent authority to register the FIR for the offence under the Food Safety and Standards Authorities Act, 2006. Therefore, the charges registered by the police for the offences under Sections 52 & 59 of the Food Safety and Standards Act, 2006 is not sustainable, said the court.