



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3239]

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SURESH REDDY

CRIMINAL PETITION NO: 6749/2016

Between:

1.M/S. PEPSICO INDIA HOLDING PVT. LTD & ANOTHER, 3B,
DLF, CORPORATE PARK, S BLOCK, QUTAB ENCLAVE,
PHASE-III, GURGAON - 122002 REP. BY RAMAN VAKS
(ACCUSED NO. 2)

2.RAMAN VAKS, REGIONAL LOGISTICS MANAGER AND
NOMINEE, M/S. PEPSI CO INDIA HOLDINGS PVT. LTD. C/O.
ANNAVARAPU AGENCIES, GODOWN 8,9 & 10, JANAKI
RAMAIAH ESTATES, VIJAYAWADA, GANGURU,
PENAMALURU MANDAL, KRISHNA DISTRICT - 521139

...PETITIONER/ACCUSED(S)

AND

1.STATE OF A P REP BY FOOD SAFETY OFFICER, Rep. by Food
Safety Officer, Prakasam District, Ontgole, Through its P.P. High
Court of Judicature at Hyderabad.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 7011/2017

Between:

1.M/S.CHRISTY QUALITY FOODS PVT LTD & ANOTHER,
SURVEY NO.335/16A, NH-7, POLUPALLI VILLAGE,
PITANAKUPPAM POST - 635115, KRISHNAGIRI TALUK,
KRISHNAGIRI DISTRICT, TAMIL NADU, REPRESENTED BY ITS
AUTHORISED REPRESENTATIVE RIJISH MON GOVIANDAN.

2.RIJISH MON GOVAINDAN,, NOMINEE, M/S. CHRISTY QUALITY
FOODS PVT. LTD., SURVEY NO.335/16A, NH-7, POLUPALLI
VILLAGE, PITANAKUPPAM POST - 635115, KRISHNAGIRI
TALUK, KRISHNAGIRI DISTRICT, TAMIL NADU.

...PETITIONER/ACCUSED(S)

AND

1.STATE OF A P THRO P P, represented by Food Safety Officer,
Div-I, Chittoor District, through its Public Prosecutor, High Court of
Judicature at Hyderabad.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 10639/2017

Between:

1.M/S.HEEMANAKSHI BAKERS PVT. LTD.,, SURVEY NO.709,
MEKAGUDA, KOTHUR MANDAL, MAHABUBNAGAR,
TELANGANA-509228, REPRESENTED BY ITS AUTHORISED
REPRESENTATAIVE SNEHIT UPPULURI S/O. U.V.DATHADRI

...PETITIONER/ACCUSED

AND

1.STATE OF ANDHRA PRADESH REP BY P P, Represented by Food Safety Officer, Prakasam District, through its Public Prosecutor, High Court of Judicature at Hyderabad

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 3523/2018

Between:

1.M/S. PEPSICO INDIA HOLDINGS PVT LTD, LEVEL 3-6, PIONEER SQUARE, SECTOR-62, GURUGRAM, HARYANA - 122001 REP. BY ITS AUTHORISED REPRESENTATIVE

2.RAMAN VAKS, LICENSEE, M/S. PEPSICO INDIA HOLDINGS PVT. LTD., LEVEL 3-6, PIONEER SQUARE, SECTOR-62, GURUGRAM, HARYANA - 122001

3.RIJISH MON GOVINDAN, NOMINEE, M/S. PEPSICO INDIA HOLDINGS PVT. LTD., SURVEY NO. 335/16A, NH-7, POLUPALLI VILLAGE, KRISHNAGIRI, TAMIL NADU-635115.

4.M/S. CHRISTY QUALITY FOODS PVT.LTD.,, SURVEY NO.335/16A, NH-7, POLUPALLI VILLAGE, KRISHNAGIRI, TAMIL NADU-635115. REP. BY ITS AUTHORISED REPRESENTATIVE.

...PETITIONER/ACCUSED(S)

AND

1.THE STATE OF A P, Rep by Food Safety Officer, Srikakulam District, Through its Public Prosecutor, High Court of Judicature at Hyderabad.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

- 1.JYOTHI RATNA ANUMOLU
- 2.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

- 1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 3536/2018

Between:

- 1.M/S. PEPSICO INDIA HOLDINGS PVT LTD, R/O. LEVEL 3-6, PIONEER SQUARE, SECTOR-62., GURGRAM, HARYANA
- 2.RAM VIKAS LICENSEE, R/O. LEVEL 3-6, PIONEER SQUARE, SECTOR-62., GURGRAM, HARYANA
- 3.RIJISH MON GIVINDAN, R/O. 335/16A., NH-7., POLUPALLI VILLAGE., KRISHNAGIRI, TAMILANADU
- 4.CHRISTY QUALITY FOODS PVT.LTD, R/O. 335/16A, NH-7., POPUPALLI VILLAGE., KRISHNAGIRI, TAMILANADU

...PETITIONER/ACCUSED(S)

AND

1.THE STATE OF A P, Rep. by its Public Prosecutor High Court at Hyderabad

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

- 1.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 2611/2022

Between:

1.M/S. PEPSICO INDIA HOLDINGS PVT. LTD.,, FRITO LAY DIVISION, C-5, MIDC, RANJANGAON, TALUKA SHIRUR, PUNE-412220, MAHARASHTRA, HAVING ITS REGISTERED OFFICE AT-LEVEL 3-6, PIONEER SQUARE, SECTOR 62, NEAR GOLF COURSE EXTENSION ROAD, GURUGRAM -122101, HARYANA REPRESENTED BY ITS AUTHORISED REPRESENTATIVE K. SUNIL REDDY, S/O K. BUCHI REDDY AGED ABT- 35YRS R/O 31-3-1411, SURENDRAPURI COLONY, HANUMAKAONDA, WARANGAL, TELANGANA-506370.

2.VAISHALI ASHISH KHARE,, NOMINEE M/S. PEPSICO INDIA HOLDINGS PVT. LTD. FRITO LAY DIVISION, C-5, MIDC, RANJANGAON, TALUKA SHIRUR, PUNE-412220, MAHARASHTRA

...PETITIONER/ACCUSED(S)

AND

1.STATE OF ANDHRA PRADESH, Represented by Food Safety Officer, 0/o Gazetted Food Inspector and Food Safety Designated Officer D.No. 26-2-1586, Vedayapalem, SPS Nellore Dist., Nellore Through its Public Prosecutor, High Court of Judicature at Amravati

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1.JYOTHI RATNA ANUMOLU

2.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 2614/2022

Between:

1.M/S PEPSI CO INDIA HOLDINGS PVT LTD, (FRITO-LAY DIVISION), C-5, MIDC, RANJANGAON, TALUKASHIRUR, PUNE -412220, MAHARASTRA HAVING ITS REGISTERED OFFICE AT LEVEL 3-6, PIONEER SQUARE, SECTOR 62, NEAR GOLF COURSE EXTENSION ROAD, GURUGRAM - 122101, HARYANA REPRESENTED BY ITS AUTHORISED REPRESENTATIVE K. SUNIL REDDY, S/O K. BUCHI REDDY AGED ABT. 35YRS R/O 31-3-1411, SURENDRAPURI COLONY, HANUMAKAONDA, WARANGAL, TELANGANA-506370.

2.SHAILENDRA BHARADWAJ, S/O BHARADWAJ, QUALITY ASSURANCE - MANAGER AND NOMINEE, M/S PEPSICO INDIA HOLDING PVT. LTD., (FRITO-LAY DIVISION), C-5, MIDC, RANJANGAON, TALUKA SHIRUR, PUNE-412220, MAHARASTRA.

...PETITIONER/ACCUSED(S)

AND

1.THE STATE OF ANDHRA PRADESH, Represented by Food Safety Officer, GVMC area, Visakhapatnam District.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1.JYOTHI RATNA ANUMOLU

2.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 4508/2022**Between:**

- 1.M/S. PEPSICO INDIA HOLDINGS PVT. LTD, ., HAVING ITS REGISTERED OFFICE AT- LEVEL 3-6, PIONEER SQUARE, SECTOR- 62. GURUGRAM HARYANA-122101 ALSO AT-GOWDOWN NO- 8, 9, AND 10, J ANAKI RAMAIAH ESTATE, GANGURU, PENAMALURU MANDAL, KRISHNA DISTRICT REPRESENTED BY ITS AUTHORISED REPRESENTATIVE K. SWILL REDDY, S/O K. BUCHI REDDY AGED ABT- 35YRS R/O 31-3-1411, SURENDRAPURI COLONY, HANUMAKAONDA, WARANGAL, TELANGANA-506370.
- 2.RAVAPATI SRINATH REDDY, UNIT SUPPLY CHAIN MANAGER AND NOMINEE OF NI/S. PEPSICO INDIA HOLDING PVT. LTD. GOWDOWN NO- 8, 9, AND 10, JANAKI RAMAIAH ESTATE, ANGUNI, PENAMALURU NLANDO.1, KRISHNA DISTRICT.

...PETITIONER/ACCUSED(S)**AND**

- 1.STATE OF ANDHRA PRADESH, Rep by P.P.High Court of AP., at Amaravathi, through Represented by Food Safety Officer, O/o. Gazetted Food Inspector and Food Safety Designated Officer, D.No. 26-2-1586, Venkat Reddy Nagar, Gandhi Nagar Road, Vedayapalem, Nellore -524004, SPS Nellore District Nellore

...RESPONDENT/COMPLAINANT**Counsel for the Petitioner/accused(S):**

- 1.JYOTHI RATNA ANUMOLU
- 2.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

- 1.PUBLIC PROSECUTOR (AP)

CRIMINAL PETITION NO: 1647/2023

Between:

- 1.DEVISETTY VENKATA SURESH BABU@ SURESH BABU, AGE 58 YEARS, S/O SUBBAIAH, SALES IN-CHARGE OF M/S KUMAR AGENCIES, 18/393, LANGARKHAN STREET, BIZBAZAR, NELLORE, SPSR NELLORE DISTRICT.
- 2.DEVISETTY VENKATA SUBBAIAH @ SUBBAIAH, AGE 84 YEARS, S/O SUBRAMANYAM, PROPRIETOR OF M/S KUMAR AGENCIES, 18/393, LANGARKHAN STREET, BIZBAZAR, NELLORE, SPSR NELLORE DISTRICT.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, Represented by Food Safety Officer, O/o Gazetted Food Inspector and Food Safety Designated Officer D.No. 26-2-1586, Vedayapalem, SPS Nellore Dist., Nellore Through its Public Prosecutor, High Court of Judicature at Amravati

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

- 1.SAI SANJAY SURANENI

Counsel for the Respondent/complainant:

- 1.PUBLIC PROSECUTOR (AP)

HON'BLE SRI JUSTICE K.SURESH REDDY

**CRIMINAL PETITION Nos. 6749 of 2016, 7011 of 2017, 10639 of 2017,
3523 of 2018, 3536 of 2018, 2611 of 2022, 2614 of 2022, 4508 of 2022 and
1647 of 2023**

COMMON ORDER:

As the issue involved in all these Criminal Petitions is one and the same, they are heard together and are being disposed of by this common order.

2. Details of the Criminal Petitions are as follows:

- (i) **Criminal Petition No. 6749 of 2016** is filed by the petitioners/A2 and A3, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against them in C.C.No.1193 of 2015 on the file of the Court of the learned II Additional Munsif Magistrate, Ongole, Prakasam District, for the offences alleged under Sections 3(i)(zz)(iii) and 26(2)(i) of the Food Safety and Standards Act, 2006 (for short, "the FSS Act"), punishable under Section 59(i) thereof.
- (ii) **Criminal Petition No.7011 of 2017** is filed by the petitioners/A2 and A3 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against them in S.T.C. No.637 of 2016 on the file of the Court of the II Additional Judicial First Class Magistrate, Tirupati, Chittoor District, for the

offences alleged under Sections 3(i)(zz)(iii), 26(2)(i) and 27 (1) of the Food Safety and Standards Act, 2006 (for short, “the FSS Act”), punishable under Section 59(i) thereof.

- (iii) **Criminal Petition No.10639 of 2017** is filed by the petitioner/A4 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against him in C.C. No.509 of 2016 on the file of the Court of the learned Judicial Magistrate of First Class, Kandukur, Prakasam District, for the offences alleged under Sections 3(i)(zz)(iii) and 26(2)(i) of the Food Safety and Standards Act, 2006 (for short, “the FSS Act”), punishable under Section 59(i) thereof.
- (iv) **Criminal Petition No.3523 of 2018** is filed by the petitioners/Accused Nos.3, 4, 5 and 6, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against them, in C.C. No.330 of 2017 on the file of the Court of the Judicial Magistrate of First Class, Srikakulam, for the offences alleged under Sections 3(i)(zz)(iii), 26(2)(i) and 27 (1) of the Food Safety and Standards Act, 2006 (for short, “the FSS Act”), punishable under Section 59(i) thereof.
- (v) **Criminal Petition No.3536 of 2018** is filed by the petitioners/Accused Nos.3,4,5 and 6, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the

proceedings initiated against them in C.C. No.603 of 2017 on the file of the Court of the Judicial Magistrate of First Class, Srikakulam, for the offences alleged under Sections 3(i)(zz)(iii), 26(2)(i) and 27 (1) of the Food Safety and Standards Act, 2006 (for short, "the FSS Act"), punishable under Section 59(i) thereof.

(vi) **Criminal Petition No.2611 of 2022** is filed by the petitioners/Accused Nos.3 and 4 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against them in C.C. No.119 of 2017 on the file of the Court of the Judicial Magistrate of First Class, Nellore, SPSR Nellore District, for the offences alleged under Sections 3(i)(zz)(iii), 26(2)(i) and 27 (2) (c) of the Food Safety and Standards Act, 2006 (for short, "the FSS Act"), punishable under Section 59(i) thereof.

(vii) **Criminal Petition No.2614 of 2022** is filed by the petitioners/Accused Nos.6 and 7 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against them in C.C. No.1154 of 2016 on the file of the Court of the I Additional Chief Metropolitan Magistrate, Visakhapatnam for the offences alleged under Sections 3(i)(zz)(iii), 26(2)(i) and 27 (1) of the Food Safety and Standards

Act, 2006 (for short, "the FSS Act"), punishable under Section 59(i) thereof.

(viii) **Criminal Petition No.4508 of 2022** is filed by the petitioners/Accused Nos.3 and 4 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against them in C.C. No.675 of 2016 on the file of the Court of the Judicial Magistrate of First Class, Kavali, SPSR Nellore District for the offences alleged under Sections 3(i)(zz)(iii), 26(2)(i) of the Food Safety and Standards Act, 2006 (for short, "the FSS Act"), punishable under Section 59(i) thereof.

(ix) **Criminal Petition No.1647 of 2023** is filed by the petitioners/Accused Nos.1 and 2 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings initiated against them in C.C. No.119 of 2017 on the file of the Court of the II Additional Judicial Magistrate of First Class, Nellore, SPSR Nellore District for the offences alleged under Sections 3(i)(zz)(iii), 26(2)(i), 27 (2) (c) of the Food Safety and Standards Act, 2006 (for short, "the FSS Act"), punishable under Section 59(i) thereof.

3. Case of the prosecution, in brief, is that the Food Safety Officer conducted inspection of the premises of Accused No.1 and purchased certain food products manufactured by one of the accused companies, suspecting the same to be adulterated. Samples of the said products were collected in the presence of mediators, upon due payment of cost, in accordance with the prescribed procedure.

4. It is further case of the prosecution that, on the basis of the invoices produced by Accused No.1, the present petitioners were also arrayed as accused. The samples so collected were forwarded to the State Food Laboratory, Nacharam, Hyderabad, for analysis. The Food Analyst, upon examination, opined that the samples contained pathogens, namely *Salmonella/Bacillus cereus*, which are injurious to health, and consequently declared the samples as “unsafe”.

5. Basing on the said report of the Food Analyst, the competent authority set the criminal law into motion by filing complaints before the Jurisdictional Courts. The learned trial Courts, upon perusal of the material placed on record, have taken cognizance of the offences alleged and issued process against the accused.

6. Heard Sri Rajesh Batra, learned counsel representing Sri Sanjay Suraneni, learned counsel for the petitioners, and Sri G. Neelothpal, learned Assistant Public Prosecutor for the respondents.

7. The main contention of the learned counsel for the petitioners is that the State Food Laboratory, Nacharam, Hyderabad, was not recognized/notified under Section 43 of the FSS Act and, therefore, the Analyst's report is invalid.

For better appreciation, Section 43 of the FSS Act is extracted hereunder:

“43. Recognition and accreditation of laboratories, research institutions and referral food laboratory.—
(1) The Food Authority may notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories or any other accreditation agency for the purposes of carrying out analysis of samples by the Food Analysts under this Act.

(2) The Food Authority shall establish or recognise by notification one or more referral food laboratory or laboratories to carry out the functions entrusted to the referral food laboratory by this Act or any rules and regulations made thereunder.

(3) The Food Authority may frame regulations specifying—
(a) the functions of food laboratory and referral food

laboratory and the local area or areas within which such functions may be carried out;

(b) the procedure for submission to the said laboratory of samples of articles of food for analysis or tests, the forms of the laboratory's reports thereon and the fees payable in respect of such reports; and

(c) such other matters as may be necessary or expedient to enable the said laboratory to carry out its functions effectively."

Further, Section 3(p) of the FSS Act defines "Food Laboratory" as follows:

"Food laboratory" means any food laboratory or institute established by the Central or a State Government or any other agency and accredited by National Accreditation Board for Testing and Calibration Laboratories or an equivalent accreditation agency and recognised by the Food Authority under Section 43."

8. On the other hand, the learned Assistant Public Prosecutor contends that the petitioners did not avail the remedy under Section 46(4) of the FSS Act and, therefore, they cannot question the Analyst's report at this stage. However, he does not dispute that the said laboratory was not notified under Section 43 of the Act.

9. In reply, learned counsel for the petitioners submits that non-recognition of the laboratory goes to the root of the matter and vitiates the entire prosecution, and such a defect cannot be cured by invoking Section 46(4) of the Act.

10. This Court has carefully considered the rival submissions and perused the entire material on record.

11. On a conjoint reading of the provisions extracted above, it is manifest that Section 3(p) of the Food Safety and Standards Act, 2006 defines a “Food Laboratory” as a laboratory established by the Central Government or the State Government, or any other laboratory, which is duly accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL) and recognized/notified by the Food Authority under Section 43 of the Act.

12. A harmonious construction of Sections 3(p) and 43 of the Act makes it abundantly clear that a laboratory must satisfy both the requirements of accreditation and recognition by the Food Authority, and that accreditation alone does not fulfill the statutory mandate. In the absence of such recognition and notification, the report issued by the laboratory cannot be treated as a valid statutory report in the eye of law.

13. In the present cases, admittedly, the State Food Laboratory, Nacharam, Hyderabad, was not notified under Section 43 of the Act. Therefore, the Analyst’s report is vitiated.

14. Learned counsel for the petitioners relied on the judgment of the Bombay High Court reported in ***Nestle India Limited VS. Food***

Safety and Standards Authority of India¹. After evaluating Section 3(p) and Section 43 of FSS Act and also referring to the Judgment of the Hon'ble Apex Court reported in **Pepsico India Holdings Pvt. Ltd., Vs. Food Inspector and Another**², the Bombay High Court held as follows;

“Upon conjoint reading of both these sections quoted hereinabove, it is clear that under [section 3\(p\)](#), "food laboratory" is a laboratory which is either State or Central laboratory or any other allied laboratory which is accredited and recognized by NABL and by the Food Authority under [section 43](#) of the Act. The laboratory, therefore, has to pass twin test before it can be said to be a recognized laboratory viz (i) it has to be accredited by NABL and over and above that (ii) it has also to be recognized by the Food Authority under [section 43](#) of the Act. Sub-section (1) of [section 43](#) makes it abundantly clear that only in that laboratory which is recognized by the Food Authority by Notification, food can be sent for analysis by the Food Analyst. Upon conjoint reading of the said two provisions, it is clear that the submission made by Mr. Khambata, the learned Senior Counsel for Respondent Nos. 3 and 4 is without any substance. [Section 43\(1\)](#) mandates that the Food Analyst WPL/1688/2015 has to analyse the food in a laboratory accredited by NABL and also recognized by the Food Authority and notified by it. It is apparent that therefore if there is non-compliance of the said

¹ [(2015) SCC OnLine Bom 4713].

² [(2011) 1 Supreme Court Cases 176]

provisions and if the food is tested in a laboratory which does not fall within the definition of [section 3\(p\)](#) and not recognized by the Food Authority, the analysis made in such laboratory cannot be relied upon. The Apex Court in [Pepsico India Holdings Private Limited vs. Food Inspector and Another](#) has observed that the provisions are under section mandatory. The Apex Court in this case held that provisions 23(1-A)(ee) of the [Prevention of Food Adulteration Act, 1954](#) for testing the food samples/adulteration are mandatory and not directory. Though the said observation is made in respect of provisions of the [Prevention of Food Adulteration Act, 1954](#) (which has now been repealed by [FSS Act, 2006](#)), even under the new Act, the provisions of [section 43\(1\)](#) will have to be held mandatory and not directory. This is more so when [Section 43\(1\)](#) is read with the definition of the words "food laboratory" in [Section 3\(p\)](#) of the FSS Act, 2006. The Apex Court in [Pepsico India Holding Private Limited](#) (supra) has observed in para 44 as under:-

"44. The High Court also misconstrued the provisions of [Sections 23\(1-A\)\(ee\)](#) and (hh) in holding that the same were basically enabling provisions and were 1 (2011) 1 SCC 176 WPL/1688/2015 not mandatory and could, in any event, be solved by the Central Government by framing the Rules thereunder, by which specified tests to be held in designated laboratories could be spelt out. Consequently, the High Court also erred in holding that the non formulation of rules under the aforesaid provisions of the 1954 Act could not be said to be fatal for the prosecution."

94. Further, if the provisions of [sections 43](#) and [47](#) are considered, it can be seen that notified laboratories which are referred to in [section 47\(5\)](#) for analysing imported food are laboratories which are separately notified for testing imported food articles as can be seen from the Food Safety and Standards (Laboratory and Samples Analysis) Regulations, 2011. The contention of Mr. Khambatta, the learned Senior Counsel appearing on behalf of Respondent Nos. 3 and 4 that only imported food could be tested in the notified laboratories therefore cannot be accepted.”

15. The ratio laid down in the aforesaid judgment, in essence, is that in the absence of duly prescribed and notified laboratories and validated methods of analysis, the report of the Public Analyst cannot be relied on, as such deficiencies go to the root of the prosecution and render the proceedings unsustainable.

16. In view of the foregoing discussion and the settled position, this Court is of the considered opinion that the very foundation of the prosecution, namely, the Analyst’s report, is invalid for non-compliance with Sections 3(p) and 43 of the FSS Act. Consequently, continuation of the proceedings would amount to abuse of process of law.

17. Accordingly, all the Criminal Petitions are allowed and the proceedings against the petitioners/accused in all the above Cases are hereby quashed. Pending miscellaneous applications, if any, shall stand closed.

JUSTICE K.SURESH REDDY

Date: 10.4.2026
GR

HON'BLE SRI JUSTICE K.SURESH REDDY

**CRIMINAL PETITION Nos. 6749 of 2016, 7011 of 2017, 10639 of 2017,
3523 of 2018, 3536 of 2018, 2611 of 2022, 2614 of 2022, 4508 of 2022 and
1647 of 2023**

DATE: 10th April, 2026
GR

