

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1671 of 2023**

Dilip Kumar Goyenka @ Dilip Goyenka aged about 58 years,
Son of Late Motilal Goyenka, residents of Saray road,
Sonwadangal, P.O. and P.S. – Dumka (T), District - Dumka

... Petitioner

Versus

1. The State of Jharkhand
2. Dhaneshwar Prasad Hembram, son of Not Known, Food
Safety Officer, Dumka, P.O. + P.S. – Dumka, Dist- Dumka

... Opposite Parties

For the Petitioner : Mr. Manoj Kumar No.4, Advocate
Mr. Rajiv N. Prasad, Advocate
For the State : Mrs. Kumari Rashmi, Addl.P.P.
For the O.P. No.2 : None

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. Though notice has validly been served upon the opposite party No.2 yet no one turns up on behalf of the opposite party No.2 in spite of repeated calls.

3. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash the entire criminal proceedings in connection with Complaint Case (O.C.R.) No. 666 of 2020 including the order dated 12.03.2020 passed by the learned Chief Judicial Magistrate,

Dumka in connection with the said case whereby and where under the learned Chief Judicial Magistrate, Dumka has taken cognizance of the offences punishable under Section 3(1)(ZZ)(viii) of the Food Safety and Standard Act, 2006.

4. Learned counsel for the petitioner submits that vide the dated order dated 12.03.2020 passed by the learned Chief Judicial Magistrate, Dumka in Complaint Case (O.C.R.) No. 666 of 2020, the learned Chief Judicial Magistrate, Dumka has taken cognizance of the offences punishable under Section 3(1)(ZZ)(viii) of the Food Safety and Standard Act, 2006 which is not a penal provision of law. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

5. Learned Additional Public Prosecutor appearing for the State on the other hand submits that at running page No.37 of the brief, in para-19 of the complaint, the complainant has urged upon the court to take cognizance of the offence punishable under Section 59 read with section 3(1)(ZZ)(viii) of the Food Safety and Standard Act, 2006; but because of oversight, the learned Chief Judicial Magistrate, Dumka might not have mentioned the penal section i.e. the Section 59 of the Food Safety and Standard Act, 2006.

6. Considering the facts and circumstances of the case as discussed above, this Court has no hesitation in holding that since the learned Chief Judicial Magistrate, Dumka has taken cognizance of an offence which is not a penal provision of law, hence, the impugned order dated

12.03.2020 passed by the learned Chief Judicial Magistrate, Dumka in Complaint Case (O.C.R.) No. 666 of 2020 is not sustainable in law and the same be quashed and set aside.

7. Accordingly, the impugned order dated 12.03.2020 passed by the learned Chief Judicial Magistrate, Dumka in Complaint Case (O.C.R.) No. 666 of 2020 is quashed and set aside.

8. The case is remanded to the court of the learned Chief Judicial Magistrate, Dumka to pass a fresh order in accordance with law.

9. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 31st of August, 2026
AFR/ Saroj

Uploaded on 01/09/2026