

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6565/2016

1. M/s Nirma Limited, having its registered office at Nirma House, Ashram Road, Ahmedabad 380009, through the Nominee and Authorised Signatory Dr.Kailash Nandan Chanrabali Pathak.
2. Satya Narain Kumawat S/o Late Hanuman Prasad Kumawat, Owner of M/s Poonam Sweets Ganeheda, Pushkar, R/o Ganeheda, Pushkar, District Ajmer.
3. Harbans Singh S/o Shri Buta Singh, M/s Ranjit Sales Agency Prakash Road, Nagra, Ajmer, R/o Poonam Bhawan, 1718/30, Prakash Road, Nagra, Ajmer.

-----Petitioners

Versus

1. State of Rajasthan through P.P.
2. Designated Officer Food Safety Cum Additional District Magistrate, Ajmer.
3. Food And Safety Officer, Office of Chief Medical and Health Officer, Ajmer.

-----Respondents

For Petitioner(s)	:	Ms.Somya Mangal for Mr.Veyankatesh Garg
For Respondent(s)	:	Mr.Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

19/03/2026

1. By way of filing the instant criminal misc. petition, a prayer has been made for quashing the proceeding in criminal case No.49/2013 as well as the order dated 30.09.2015 passed by the respondent No.2 by which the application submitted by the petitioners for quashing the complaint filed by the respondent No.3 has been rejected.

2. In the considered opinion of this Court, the aforesaid order is appealable before the Food Safety Appellate Tribunal, the petitioners have got alternative statutory remedy of filing an appeal before the Food Safety Appellate Tribunal and hence, without availing the said remedy before the said Appellate Authority, the petitioners have approached this Court by way of filing the instant criminal misc. petition.

3. It is settled proposition of law that whenever a statutory remedy is available to a person, he cannot be allowed to bypass the jurisdiction of the said Authority. On this count alone, the instant criminal misc. petition stands disposed of granting liberty to the petitioners to file statutory appeal before the Food Safety Appellate Tribunal against the impugned order dated 30.09.2015 passed by the Court of Additional District Magistrate, Ajmer.

4. In case, any appeal is preferred by the petitioners within a period of four weeks from today, it is expected from the Food Safety Appellate Authority to decide the said appeal expeditiously, as early as possible, strictly in accordance with law, ignoring the period of limitation. It is also expected from the Appellate Authority to decide the stay application, if any, submitted by the petitioners as per law.

5. Accordingly, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J