



2026:UHC:4048

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application U/s 482 No. 1355 of 2019

21st May, 2026

Nestle India LimitedApplicant

Versus

State Of Uttarakhand and AnotherRespondents

With

Criminal Misc. Application U/s 482 No. 1564 of 2019

Nestle India LimitedApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 1565 of 2019

Nestle India LimitedApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 1568 of 2019

Nestle India LimitedApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 2419 of 2019

Harsimran SinghApplicant

Versus

State Of Uttarakhand and AnotherRespondents



Criminal Misc. Application U/s 482 No. 2420 of 2019

Harsimran SinghApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 2421 of 2019

Harsimran SinghApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 944 of 2023

M/s Nestle India LimitedApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 945 of 2023

M/s Nestle India LimitedApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 946 of 2023

M/s Nestle India LimitedApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Criminal Misc. Application U/s 482 No. 947 of 2023



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M/s Nestle India Limited

.....Applicant

Versus

State Of Uttarakhand and Another

.....Respondents

Criminal Misc. Application U/s 482 No. 948 of 2023

M/s Nestle India Limited

.....Applicant

Versus

State Of Uttarakhand and Another

.....Respondents

Presence:-

Mr. Rajesh Bata, Mr. Hari Mohan Bhatia and Ms. Sonia Kukreja,
learned counsel for the Applicants.

Mr. Akshay Latwal, learned A.G.A. for the State.

Hon'ble Mr. Alok Mahra, J. (Oral)

These applications have been preferred under Section 482 of the Code of Criminal Procedure, 1973 (as applicable at the relevant time), seeking quashing of the complaint cases, cognizance orders, summoning orders and all consequential proceedings instituted against the applicants for offences punishable under Sections 52 and 59 of the Food Safety and Standards Act, 2006 (hereinafter referred to as "the FSS Act"), pending before the courts of learned Chief Judicial Magistrate, Dehradun and learned Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

2. Since all the aforesaid applications arise out of



identical facts, involve common questions of law and challenge similar proceedings initiated pursuant to reports relating to alleged non-conformity of “MAGGI 2-Minute Noodles”, they were heard together and are being decided by this common judgment. However, for the sake of convenience, facts of C-482 Application No.1355 of 2019 are being taken into consideration.

3. The present C-482 application has been filed for quashing the complaint case being Complaint No.2217 of 2016 dated 11.03.2016 pending before the learned Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar, along with the summoning/cognizance order dated 27.04.2016, whereby proceedings have been initiated against the applicants for offences under Sections 3(1)(zf)(C)(i) and 3(1)(zz)(v) read with Sections 26(2), 27 and 66 of the FSS Act, punishable under Sections 52 and 59 thereof.

4. Learned counsel for the applicants would submit that applicant no.1 is the authorised representative of M/s Nestle India Limited, a company incorporated under the Companies Act, 1956, having its registered office at New Delhi, manufacturing facility at Punjab and depot at Rishikesh, Uttarakhand, engaged in manufacture and distribution of food and nutritional



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products throughout the country; that, on 30.05.2015, the Food Safety Officer/respondent no.2 collected samples of “MAGGI 2-Minute Noodles” and forwarded one part thereof to the Food Analyst, Rudrapur, while the remaining samples were deposited before the Designated Officer, Udham Singh Nagar along with Form VI; that, the Food Analyst, Rudrapur, vide report dated 14.08.2015 bearing No.51/SDFTL/May/15-USN, opined that the sample was “misbranded” and “unsafe”, allegedly being in contravention of Sections 3(1)(zf)(c)(i) and 3(1)(zz)(v) of the FSS Act; that, on the basis of the aforesaid report, sanction for prosecution was accorded on 24.02.2016 and consequently Complaint No.2217 of 2016 came to be instituted on 11.03.2016 against the vendor M/s S.K. Agencies as accused no.1 and the applicant-company as accused nos.2 and 3. It is contended that the applicant-company has been arrayed twice in the same complaint, once through its depot at Rishikesh and again as manufacturer through its Punjab manufacturing unit; that, thereafter, the learned Chief Judicial Magistrate, Rudrapur took cognizance and issued process vide order dated 27.04.2016.

5. Learned counsel for the applicant would further submit that the Food Safety and Standards



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Authority of India (FSSAI) is the statutory authority constituted under the FSS Act for regulating manufacture, processing, distribution and sale of food products; that, in May 2015, concerns were raised in the media regarding the quality of MAGGI Noodles, whereupon FSSAI issued directions dated 25.05.2015 to all State Food Safety Commissioners to collect and test samples of MAGGI Noodles from FSSAI-notified and accredited laboratories; that, the authorities in several States, including Uttarakhand, failed to comply with the mandatory statutory requirements and forwarded the samples to laboratories which were neither NABL accredited nor notified under Section 43 of the FSS Act. In the present case, the sample was analysed by the State Food and Drug Testing Laboratory, Rudrapur, which, according to the applicants, was neither NABL accredited nor FSSAI notified at the relevant point of time; that, despite the applicant-company maintaining that the product was safe, the company voluntarily withdrew MAGGI Noodles from the market on 04.06.2015 as a precautionary measure and issued a press release dated 05.06.2015; that, simultaneously, FSSAI passed an order dated 05.06.2015 directing withdrawal and recall of all variants of MAGGI Noodles from the market and restraining further



manufacture, sale and distribution thereof; that, aggrieved by the aforesaid order, the applicant-company instituted Writ Petition No.1688 of 2015 before the Bombay High Court challenging the orders passed by FSSAI and the State of Maharashtra; that, the said writ petition was allowed vide judgment dated 13.08.2015 and the impugned orders were set aside primarily on the grounds:

(i) The food samples had not been analysed by laboratories fulfilling the twin statutory requirements of being NABL accredited and FSSAI notified under Sections 3(1)(p) and 43 of the FSS Act; and (ii) There was no material to establish that Monosodium Glutamate (MSG) had been deliberately added by the applicant-company.

6. Learned counsel for the applicant would further submit that the Hon'ble Bombay High Court, while setting aside the ban orders, directed fresh sampling and testing of MAGGI Noodles through three accredited and notified laboratories; that, pursuant thereto, fresh samples were collected from the manufacturing facility at Moga, Punjab and sent to three accredited referral laboratories for testing of lead content and related parameters; that, the reports received from the three accredited laboratories unequivocally demonstrated that lead levels were within the prescribed permissible limits;



that, consequently, the applicant-company resumed manufacture and sale of MAGGI Noodles from November 2015; that, proceedings were also initiated before the National Consumer Disputes Redressal Commission (NCDRC) by the Union of India alleging sale of defective and unsafe products by the applicant-company; that, during pendency of the proceedings, the Hon'ble Supreme Court directed testing of samples through the referral laboratory, namely CFTRI, Mysore; that, the reports submitted by CFTRI, Mysore, revealed that the samples were compliant with all applicable standards and that lead content was within the permissible limit; that, ultimately, the Hon'ble Apex Court directed that the CFTRI reports would constitute the basis for adjudication before the NCDRC; that, thereafter, the consumer complaint came to be dismissed.

7. Learned counsel for the applicants further submits that the allegation relating to presence of MSG is wholly misconceived; that, the glutamate occurs naturally in several food substances and there exists no scientific analytical method to distinguish between naturally occurring glutamate and artificially added MSG; that, Regulation 3.1.11 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations,



2011 permits use of MSG in seasoning for noodles as per Good Manufacturing Practices; that, the applicant-company never added MSG separately in the product and the alleged presence of glutamate could be attributable to naturally occurring ingredients. He further places reliance upon clarification dated 31.03.2016 issued by FSSAI, wherein all Commissioners of Food Safety were directed not to initiate prosecution merely on the basis of detection of glutamate/MSG in noodle products unless it was independently ascertained that MSG had in fact been deliberately added during manufacture. It is also brought on record that pursuant to inspection conducted by officials of the Food Safety Department, Uttarakhand on 28.11.2016 at the Pantnagar facility, it was found that MSG was not being added during the manufacturing process of MAGGI Noodles.

8. The principal contention raised on behalf of the applicants is that the Food and Drug Testing Laboratory, Rudrapur, which analysed the impugned sample, was not a “Food Laboratory” within the meaning of Section 3(1)(p) read with Section 43 of the FSS Act at the relevant time, as it was neither NABL accredited nor notified by FSSAI in the year 2015.

9. Learned State counsel, while opposing the C-



482 applications, supported the impugned proceedings and submitted that the complaints disclose commission of cognizable offences under the provisions of the FSS Act and therefore the proceedings ought not to be interdicted at the threshold.

10. Heard learned counsel for the parties and perused the material available on record.

11. Before advertng to the rival submissions, it would be apposite to note certain undisputed facts emerging from the record. In the year 2015, samples of MAGGI Noodles collected from various States were subjected to analysis by several State laboratories. Based upon certain reports indicating excess lead content, FSSAI imposed a nationwide ban on manufacture and sale of MAGGI Noodles. The legality of the said ban was examined by the Hon'ble Bombay High Court, which vide judgment dated 13.08.2015 categorically held that laboratories analysing food samples under the FSS Act must satisfy the twin statutory requirements of (i) NABL accreditation; and (ii) FSSAI notification under Section 43 of the Act. Hon'ble the Bombay High Court further held that reports obtained from laboratories not satisfying the aforesaid twin conditions were legally unsustainable and incapable of forming the basis of penal action. The Court accordingly



directed fresh sampling and testing through duly accredited and notified laboratories, the reports whereof revealed that lead content was within permissible limits. Subsequently, during proceedings before the NCDRC and the Hon'ble Supreme Court, samples were again subjected to analysis through CFTRI, Mysore, a recognised referral laboratory. The reports once again confirmed compliance with the prescribed standards. The Hon'ble Supreme Court, while disposing of Civil Appeal No.14539 of 2015, held that the CFTRI reports would constitute the basis for adjudication of the dispute. Ultimately, the complaint before the NCDRC also came to be dismissed holding that there was no evidence of deficiency or sale of unsafe products by the applicant-company.

12. In the aforesaid backdrop, continuation of criminal prosecution against the applicants on the basis of reports issued by laboratories lacking statutory competence cannot be sustained. A perusal of Sections 3(1)(p) and 43 of the FSS Act makes it abundantly clear that a "Food Laboratory" must be both accredited by NABL and recognised/notified by the Food Authority. Unless both conditions stand satisfied, the laboratory cannot legally undertake analysis under the Act.

13. In the present case, there is no material on



record to establish that the State Food and Drug Testing Laboratory, Rudrapur was NABL accredited and duly notified under Section 43 of the FSS Act at the relevant time when the impugned analysis was conducted. Once the very foundation of the prosecution, namely the Food Analyst's report, is rendered legally unsustainable, continuation of criminal proceedings on the basis thereof would amount to abuse of the process of law.

14. This Court also finds substance in the contention raised on behalf of the applicants that the prosecution is vitiated for non-impleadment of the company in accordance with Section 66 of the FSS Act. The law relating to vicarious liability of officers and nominees of a company stands settled by the judgments of the Hon'ble Supreme Court in *Aneeta Hada v. Godfather Travels & Tours Pvt. Ltd.* and *Hindustan Unilever Ltd. v. State of Madhya Pradesh*, wherein it has been held that prosecution of officers or nominees without arraigning the company itself as an accused is not maintainable, except in exceptional circumstances recognised in law. Section 66 of the FSS Act specifically provides that where an offence has been committed by a company, the company "as well as" every person responsible for conduct of its business shall be deemed guilty. The liability of officers is therefore



vicarious and contingent upon prosecution of the company itself.

15. In the present matters, the complaints do not satisfy the mandatory statutory requirements governing prosecution of companies and their nominees. Consequently, continuation of proceedings against the applicants alone is legally impermissible. This Court also finds merit in the submission that cognizance in the present matters is barred by limitation prescribed under Section 77 of the FSS Act. Section 77 of the Act mandates that no Court shall take cognizance of an offence after expiry of one year from the date of commission of offence, unless the Commissioner of Food Safety, for reasons recorded in writing, extends the period up to three years.

16. In the instant case, the sample was drawn in May/June 2015 and the complaints were instituted thereafter, whereas cognizance came to be taken beyond the prescribed statutory period. There is no material available on record to indicate that the Commissioner of Food Safety had recorded reasons in writing extending limitation in exercise of powers under the proviso to Section 77 of the Act. The requirement contemplated under Section 77 being mandatory in nature, cognizance taken beyond the prescribed period without valid



extension is legally unsustainable. Furthermore, the sanction/consent for prosecution in the present case is also found to be defective. Section 42 of the FSS Act contemplates sanction by the Commissioner of Food Safety. However, the sanction in the present case was accorded by the Chief Medical Officer, who was not shown to be duly authorised in accordance with law.

17. The Hon'ble Supreme Court in *A.K. Roy v. State of Punjab* has categorically held that where a statute prescribes a particular mode for institution of prosecution, the same must be strictly complied with and no further sub-delegation is permissible unless expressly authorised by statute. In the present case, there is no material demonstrating lawful delegation of powers in favour of the Chief Medical Officer for grant of sanction under Section 42 of the FSS Act. Consequently, the prosecution instituted pursuant to such defective sanction is vitiated in law. It is well settled that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to prevent abuse of the process of Court and to secure the ends of justice where the allegations are manifestly untenable and continuation of proceedings would amount to miscarriage of justice. Reference in this regard may be made to the judgments of the Hon'ble Supreme Court in



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Prashant Bharti v. State (NCT of Delhi), Rajiv Thapar v. Madan Lal Kapoor and Anand Kumar Mohatta v. State (NCT of Delhi).

18. In the considered opinion of this Court, continuation of the impugned proceedings despite the aforesaid legal and procedural infirmities would serve no useful purpose and would merely subject the applicants to unnecessary harassment and protracted criminal trial, which is otherwise bound to fail.

19. Accordingly, for the reasons recorded hereinabove, all the present C-482 applications succeed and are hereby allowed.

20. The impugned complaints, cognizance orders, summoning orders and all consequential proceedings initiated against the applicants under Sections 52 and 59 of the Food Safety and Standards Act, 2006, including Complaint No.2217 of 2016 pending before the learned Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar, are hereby quashed. The applicants are discharged from all the aforesaid proceedings.

21. All pending applications, if any, also stand disposed of accordingly.

(ALOK MAHRA,J.)
21.05.2026

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