



FOOD

Police Power versus Food Safety Officer Jurisdiction : Rajasthan High Court Clears the Air in Ravi v. State of Rajasthan

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A single-judge Bench of the Rajasthan High Court at Jaipur (Justice Anoop Kumar Dhand) has, on 19 November 2025, quashed FIR No. 160/2022 lodged at Police Station Sadar, Dholpur and the ensuing criminal proceedings for offences under Sections 272, 273 and 420 of the Indian Penal Code read with Sections 26(2)(i) and 59(i) of the Food Safety and Standards Act, 2006. The ruling, reported as *Ravi v. State of Rajasthan* (Criminal Misc. Petition No. 1945 of 2024), re-states the primacy of the special food-law regime and reiterates that once the conduct is punishable under the more stringent provision of the 2006 Act, the general provisions of the IPC must yield.

The petitioner, Ravi son of Subhash Chand, a 29-year-old resident of Dholpur, was subjected to police action after food articles carried by him were seized and their samples declared adulterated and mis-branded. Acting on the inspector's complaint, the local police registered the afore-mentioned FIR, conducted an investigation and ultimately laid a charge-sheet under the penal provisions cited above. Ravi moved the High Court under Section 482 of the Code of Criminal Procedure seeking quashing of the entire proceeding on the ground that the Food Safety and Standards Act, 2006 is a self-contained code whose procedural and substantive prescriptions oust the application of the Indian Penal Code to identical facts.

Learned counsel for the petitioner contended that Section 89 of the 2006 Act clothes the statute with an "over-riding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force." Consequently, the moment an offence is made out under Section 59 of the Act, the general provisions of Sections 272 and 273 IPC become redundant and any parallel prosecution is impermissible. It was further urged that only a qualified Food Safety Officer is empowered to investigate adulteration cases; the police, not being so authorised, could not have registered the crime in the first place. Lastly, the ingredient of "cheating" as defined in Section 415 IPC was said to be completely absent here being no allegation that any purchaser was induced to part with property or suffered wrongful loss rendering the added charge under Section 420 IPC unsustainable.

The State, represented by the Public Prosecutor, countered that the offences under the IPC retain an independent identity distinct from the food statute. Emphasis was laid on the cognizability of Section 420 IPC; once a cognizable offence appears in the FIR, the police are competent to investigate the entire matter including allied non-cognizable offences. It was therefore submitted that continuation of the proceeding could not be stultified on purely formal grounds.

The Court surveyed the recent exposition of law by the Supreme Court in *Ram Nath v. State of U.P.* (Criminal Appeal No. 472 of 2012, decided on 21 February 2024) and *Sushil Kumar Gupta v. State of West Bengal* (2024) 1 FAC 501. Both decisions, rendered after comprehensive analysis of Section 89 read with Section 59 of the 2006 Act, have categorically held that the special statute supersedes the general penal provisions of Sections 272 and 273 IPC and that simultaneous prosecution is barred. The High Court noticed that the controversy was thus no longer *res integra*. It recorded that the overriding clause in Section 89 is unambiguous and is not confined merely to "food-related laws" as the marginal note might suggest; where the main provision is clear, the title cannot be pressed into service to cut down its width.

Applying the ratio, the Bench held that the conduct alleged squarely attracts Section 59 of the FSSA which carries a more stringent sentence; hence the IPC track must give way. On the charge of cheating, the Court examined the FIR and found no whisper of inducement, deception or wrongful loss to any consumer. In the absence of foundational facts contemplated by Section 415 IPC, the invocation of Section 420 IPC was held to be untenable. Equally, the investigation undertaken by the police in respect of adulteration was held to be contrary to the statutory scheme which vests the power of inquiry and sample analysis exclusively in the Food Safety Officer.

Conclusion

The petition was accordingly allowed and all proceedings flowing from FIR No. 160/2022 were quashed. The Court, however, clarified that the competent food authority remains at liberty to pursue appropriate remedies strictly under the Food Safety and Standards Act, 2006. The judgment strengthens the principle that where the Legislature has crafted a special code with built-in safeguards and heavier sanctions, the general criminal law must step back form cannot be permitted to trump substance merely because multiple statutes are triggered by the same set of facts.

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