

Telgar Siddappa vs The State Of Andhra Pradesh on 10 May, 2023

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.3448 of 2023

ORDER :

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') to quash the issuance of a summon in C.C.No.672 of 2019 on the file of the Court of Additional Junior Civil Judge, Mangalagiri, dated 31.05.2022 on the petitioner/Accused in connection with filing of the charge sheet filed in Crime No.104 of 2018 of Tadikonda Police Station, are illegal, unlawful against the decisions of this Court in CRL.P.No.5421 of 2019 batch thereby to quash the issuance of summon on the petitioner/accused in C.C.No.672 of 2019, dated 31.05.2022 by allowing the Criminal Petition in the interest of justice.

2. The petitioner was alleged to have committed the offence punishable under Sections 420, 272, 273, 188 of IPC and Sections 57, 58, 59 and 63 of Food Safety and Standard Act, 2006 as the police, on 27.06.2018, found 29,200 number of prohibited V-I tobacco packets in Flat No.302, Chalapathi Enclave Apartment, Lam village where he was residing and 72 number of 9-G tobacco packets in a sack in his shop 'Sri Anjaneya Agency' located between Guntur and Gorantla road. The summons were issued to the accused for the offence under Sections 420, 272, 273, 188 IPC.

3. Heard learned counsel for the petitioner and Sri Soora Venkata Sainath, learned Special Assistant Public Prosecutor representing the respondent/State.

4. Learned counsel for the petitioner submitted that this is a covered matter in view of the earlier common order passed by this Court in Criminal Petition Nos.3731 of 2018 and batch, whereby this Court has quashed several Charge Sheets as well as F.I.Rs filed for the similar offences based on identical facts. Therefore, he would submit that the petitioner is similarly placed and therefore, entitled for quash of the charge sheet filed against him.

5. Learned Special Assistant Public Prosecutor fairly concedes that this is a covered matter in view of the aforesaid common order passed by this Court and thereby prayed to pass appropriate order accordingly in this Criminal Petition also.

6. Therefore, in view of the aforesaid common order of this Court and for the reasons stated therein, this Criminal Petition is allowed and the aforesaid charge sheet filed against the petitioner is hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S.BHANUMATHI Date : 10-05-2023 SAB