

## **Nukala Manohar Rao Nookala Manohar Rao vs The State Of Ap on 28 June, 2021**

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI!

MONDAY, THE TWENTY EIGHTH DAY OF JUNE

TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 3414 OF 2021

Between: ae

Nukala Manohar Rao @ Nookala Manohar Rao, S/o.Krishna Murthy, Occ: Business,  
Rio. H.No.3/128, RTC Bus Stand Road, Koilakuntla Town, Kurnool, Kurnool District.'

Petitioner/Accused

AND

The State of Andhra Pradesh, Rep by the Public Prosecutor, High Court of Andhra Pradesh at Amaravaihi.

Respondent

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to quash the proceedings against the Petitioner/accused in CC.No.180/2020 on the file of Judicial Magistrate of Second Class, Allagadda, Kurnool District which arose out of Crime Number 187/2019 of Allagadda Town Police Station, Kurnool District

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI D PURNACHANDRA REDDY Advocate for the Petitioner, and of PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

**THE HON'BLE SMT.JUSTICE LALITHA KANNEGANTI CRIMINAL PETITION No.3414 of 2021 ORDER:-**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 {for short 'Cr.P.C.}} to quash the proceedings in C.C.No.180 of 2020 on the file of Judicial Magistrate of Second Class, Allagadda, Kurnool District in connection with Crime No.187 of 2019 on the file of Allagadda Town Police Station, Kurnool District registered for the offences punishable under Sections 188 and 273 of the Indian Penal Code, 1860 (for short "IPC") and Section 59 {i) of the Food Safety and Standards Act, 2006 (for short 'FSS Act}.

2. The case of the prosecution is that on 15.11.2019 at 4.30 p.m. on receipt of credible information, the Inspector of Police, Allagadda Town Police Station along with mediators went to the outskirts of P.Chintakuntla Vilage and found one person standing with a bag and on enquiry, he disclosed his identity as that of the petitioner herein. On verifying the bag, they found various tobacco products worth Rs.1,200/-. Police seized the same under the cover of panchanama. Basing on the same, the above crime was registered.

3. Heard Sri D.Purna Chandra Reddy, learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State.

4. Learned counsel for the petitioners submits that Sections 973 of IPC and Section 59 (i) of FSS Act relate to food safety standards. Section 273 of IPC speaks about sale of Noxious Food or Drink. He further submits that possession, sale, purchase and transport of banned gutka and tobacco products will not attract the offences as alleged as they do not fall under the definition of food and also do not Spread any disease. Moreover, the police have no power to register the offences under above sections except the designated officers like Food Safety Officer. Further, Section 188 of IPC would apply when there is disobedience of an order duly promulgated by a public servant. As such even Section 188 of IPC is not applicable to the present case. ..

3. Learned Counsel for the petitioners submits that in similar circumstances, this Court passed orders in Criminal Petition No.3731 of 2018 and batch, allowing several criminal petitions by quashing respective F..Rs. Hence, he prays to allow this petition.

6, Learned Public Prosecutor has not disputed the fact that in Similar circumstances several F.1.Rs were quashed by this Court.

7, In the light of the above, this criminal petition is allowed and the proceedings in C.C.No.180 of 2020 on the file of Judicial Magistrate of Second Class, Allagadda, Kurnool District in connection with Crime No.187 of 2019 on the file of Allagadda Town Police Station, Kurnool District, are hereby quashed.

As a sequel, pending miscellaneous petitions, if any, shall Stand closed.

Oo SD/-USri Devi ASSISEANT REGISTRAR TRUE COPY! SECTION OFFICER For, Co ee ee ee ELEN To, \_ ida, Kurnool District f Second Class, Allagadda, trict The Station House Officer, Allagadda Town Police Station, Kurnool Distric e , DDY Advocate [OPUC] to SRI D PURNACHANDRA RE Two COs to PUBLIC PROSECUTOR, High Caurt of AP [OUT] One spare copy The Judicial Magistrate o BON mn HIGH COURT LKJ :28/06/2021 DATED ORDER ALLOWED