

Nathani Sivannarayana vs State Of A.P., on 7 January, 2022

Author: Cheekati Manavendranath Roy

Bench: Cheekati Manavendranath Roy

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.4685 OF 2021

ORDER:

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This criminal petition under Section 482 of the Code of Criminal Procedure, 1973, is filed seeking quash of F.I.R. in Crime No.945 of 2020 of Pattabhipuram Police Station, Guntur Urban District, registered for the offences punishable under Sections 420, 272, 273 of the Indian Penal Code, 1860 (for short "I.P.C."), under Sections 57(1), 58 and 59 of the Food Safety and Standards Act, 2006 (for short "F.S.S. Act") and under Section 34(a) of the Andhra Pradesh Excise Act, 1968 (for short "the Excise Act").

2. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

3. This is a covered matter in view of the earlier common order passed by this Court in Criminal Petition Nos.5421 of 2019 and batch and recent common order passed by this Court in Criminal Petition Nos.2966 of 2021 and batch, whereby the F.I.Rs. registered for the similar offences based on identical facts, were quashed for the offences punishable under Sections 420, 272, 273 of I.P.C. and under Sections 57(1), 58 and 59 of F.S.S. Act. Therefore, the petitioners, who are similarly placed, are also entitled for quash of the F.I.R. relating to the said offences. However, the present case is not covered by the aforesaid earlier common orders of this Court relating to the offence punishable under Section 34(a) of the Excise Act. So, the F.I.R. relating to the said offence cannot be quashed.

4. Resultantly, in view of the aforesaid earlier common orders of this Court and for the reasons stated therein, this Criminal Petition is partly allowed quashing the F.I.R. registered only for the offences punishable under Sections 420, 272, 273 of I.P.C. and under Sections 57(1), 58 and 59 of F.S.S. Act. However, the investigation shall go on in respect of the offence punishable under Section 34(a) of the Excise Act.

Miscellaneous Petitions, if any pending, in this Criminal Petition, shall stand closed.

MANAVENDRANATH ROY Date : 07-01-2022 ARR THE HON'BLE SRI JUSTICE CHEEKATI

MANAVENDRANATH ROY CRIMINAL PETITION No.4685 OF 2021 Date : 07-01-2022 ARR