

P Subbarayudu vs State Of Andhra Pradesh on 7 May, 2021

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

Crl.P.No.2869 of 2021

ORDER :

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to quash Cr.No.258 of 2020 on the file of the Atmakur Police Station, Atmakur, SPSR Nellore District.

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

Learned counsel for the petitioners points out that case under Food Safety and Standards Act, 2006 (FSSA Act) is not maintainable. Gutka is not a food or a food product. He relies upon the judgment of the learned single Judge in Crl.P.No.1899 of 2021, wherein the earlier judgment in WP.No.3731 of 2018 was considered and F.I.R./Crime was quashed. Therefore, he prays for a similar order.

Learned Public Prosecutor opposes the same. However, this Court notices that in a number of matters, coordinate Benches of this Court have held that the transportation/trade of Gutka cannot be a crime under FSSA Act and quashed the FIR. Therefore, for the very same reasons, the F.I.R.No.258 of 2020 dated 27.06.2020 is quashed.

For the aforementioned reasons, this application is allowed.

As a sequel thereto, miscellaneous petitions, if any, pending in the criminal petition stand closed.

_____ D.V.S.S.SOMAYAJULU,J Date : 07.05.2021 KLP