

CRLP/1759/2022 on 11 March, 2022

Author: D.Ramesh

Bench: D. Ramesh

THE HON'BLE SRI JUSTICE D. RAMESH
CRIMINAL PETITION NO.1759 OF 2022

ORDER:

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This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."), is filed seeking quash of the proceedings in F.I.R.No.106 of 2021 of Amadalavalasa Police Station, Srikakulam District, registered for the offences punishable under Sections 188, 272, 273 & 328 IPC and Sections 20(2), 22 (b) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and under Section 34(1) of A.P. Excise Amendment Act, 2020 and to release the stock involved in the crime.

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

3. Learned counsel for the petitioners would submit that 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, whereby this Court has quashed several F.I.Rs registered for the similar offences based on identical facts. Therefore, he would submit that the petitioners are similarly placed and they are also entitled for quash of the F.I.R registered against them.

4. Learned counsel for the petitioners would further submit that in Crl.P.No.3731 of 2018 and batch it was held that the police would not have jurisdiction to initiate or investigate any offences punishable under the provisions of the Food Safety and Standards Act, 2006 and that transport or storage of tobacco and tobacco products would not constitute an offence punishable under Sections 270 to 273 of IPC.

5. Learned Additional 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 orders 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 F.I.R. registered against the petitioners, is hereby quashed with a direction to return the seized tobacco and tobacco products to the petitioners.

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

_____ D.RAMESH,J Date: 11.03.2022 PA.

HON'BLE SRI JUSTICE D.RAMESH CRIMINAL PETITION NO. 1759 of 2022 DATED: 11.03.2022 PA.

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI MAIN CASE No:CRL.P.No.1759 of 2022 PROCEEDING SHEET SL. DATE ORDER OFFICE NOTE NO.

01. 11.03.2022 DR, J Dispense with petition is ordered.

_____ DR,J Criminal Petition is allowed. (VSO) _____ DR,J PA.

SL. DATE ORDER OFFICE NOTE NO.