

Purushotham Misra vs The State Of Telangana on 30 September, 2021

Author: Shameem Akther

Bench: Shameem Akther

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7289 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/A.3 seeking to quash the proceedings against him in C.C.No.707 of 2018 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, wherein cognizance was taken for the offences under Sections 273, 188 of IPC and Section 59(i) of Food Safety and Standards Act, 2006.

2. Heard the learned counsel for the petitioner/A.3, learned Assistant Public Prosecutor for the respondent and perused the record.

3. The learned counsel for the petitioner/A.3 would submit that the facts and circumstances of the case on hand are akin to the facts and circumstances of the case in Crime No.13 of 2018 of Golkonda Police Station, and the proceedings in the said case were quashed by this Court vide order, dated 27.08.2018, passed in Criminal Petition No.6754 of 2018. The allegations in the subject C.C., also do not constitute the offences under Sections 273, 188 of IPC and Section 59(i) of Food Safety and Standard Act, 2006 against the petitioner/A.3 and ultimately prayed to allow the Criminal Petition, as prayed for.

4. The learned Assistant Public Prosecutor has fairly conceded the submissions made by the learned counsel for the petitioner/A.3.

5. In view of the above submissions and the material placed on record, the allegations made against the petitioner/A.3 in the subject C.C.No.707 of 2018 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, do not constitute the offences under Sections 273, 188 of IPC and Section 59(i) of Food Safety and Standard Act, 2006. Therefore, when no ingredients constituting the offences indicated above are made out, the issuance of F.I.R and filing of charge sheet, are unsustainable in law. So, the proceedings against the petitioner/A.3 in the subject C.C are liable to be quashed.

6. In the result, this Criminal Petition is allowed and the proceedings in C.C.No.707 of 2018 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, against the petitioner/A.3, are hereby quashed.

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

_____ Dr. SHAMEEM AKTHER, J Date: 30.09.2021 scs