

Police Station vs Unknown on 3 August, 2022

Author: D.Ramesh

Bench: D.Ramesh

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION No.5864 of 2022

ORDER:

A Crime in F.I.R.No.237 of 2022 of Narasaraopet Rural Police Station, Palnadu District, has been registered against the petitioners for the offences under Sections 7(1), 7(3), 20(1) of COTPA Act, 2003.

2. The cases are being booked against persons, who are found to be either storing or transporting tobacco and tobacco products in the State of Andhra Pradesh. The persons, who are facing such cases, have been approaching this Court for relief.

3. In W.P.No.3731 of 2018 and batch dated 27.08.2018, a learned Single Judge of this Court 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. The learned Single Judge also held that transport or storage of tobacco and tobacco products would not constitute an offence punishable under Sections 270 to 273 of IPC.

4. In view of the aforesaid findings, which are being consistently followed by this Court, this Criminal Petition is allowed quashing the proceedings in FIR.No.237 of 2022 of Narasaraopet Rural Police Station, Palnadu District. As the offences registered against the petitioners are quashed, the tobacco products and car bearing Registration Number AP39MJ5939 seized in connection with the Crime shall be returned to the petitioners.

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

JUSTICE D.RAMESH Date : 03.08.2022 tm THE HONOURABLE
SRI JUSTICE D.RAMESH CRIMINAL PETITION No.5864 of 2022 Date: 03.08.2022 tm