

# Patnana Suresh Kumar vs State Of Ap on 15 April, 2021

**Author: R.Raghunandan Rao**

**Bench: R.Raghunandan Rao**

THE HONOURABLE SRI JUSTICE R.RAGHUNANDAN RAO

CRIMINAL PETITION No.2332 OF 2021

ORDER:

A Crime in F.I.R No.177 of 2018 has been registered in Palakonda Police Station, Srikakulam District against the petitioners under Sections 188, 270, 272, 273, 328 read with 34 IPC and Sections 57, 58, 59 read with 26, 30 of the Food Safety and Standards Act on the ground that the petitioners were caught transporting tobacco and tobacco products.

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. Persons, who are facing such cases, have been approaching this Court for relief.

3. In Crl.P.No.5421 of 2019 and batch dated 18.12.2019, a learned Single Judge of this Court had held that tobacco does not fall within the definitions of "food" and as such, registration of Crime under the Food Safety and Standards Act, 2006 is not permissible.

4. In Crl.P.No.3731 of 2018 and batch dated 27.08.2018, a learned Single Judge of this Court had held the police would not have jurisdiction to initiate or investigate any offences punishable under the provision of the Food Safety and Standards Act, 2006. A learned Single Judge had also held that transport or storage of tobacco and tobacco products would not constitute an offence punishable under Sections 270 to 273 of IPC.

5. In view of the aforesaid findings, which are being consistently followed by this Court, this Criminal Petition is allowed quashing the F.I.R No.177 of 2018 in Palakonda Police Station, Srikakulam District.

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

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JUSTICE R.RAGHUNANDAN RAO Date : 15.04.2021 SPP  
THE HONOURABLE SRI JUSTICE R.RAGHUNANDAN RAO CRIMINAL PETITION No.2332 OF  
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