

# **N.Sudhakar vs The State Of Andhra Pradesh on 4 November, 2022**

**Author: R. Raghunandan Rao**

**Bench: R. Raghunandan Rao**

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CRIMINAL PETITION.No.8717 of 2022

ORDER:

The petitioner is accused in Crime No.293 of 2022 of Bhogapuram Police Station, Vizianagaram District for offences punishable under Sections 41 and 102 of Cr.P.C. The allegations in the complaint are that the petitioner had been found in possession of chewing tobacco products and that the said tobacco products, along with the vehicle of the petitioner, were seized.

2. This Court is not going into the question whether a criminal complaint can be filed under Section 41 and 102 Cr.P.C. In view of the manner in which the present application filed, this criminal petition is being disposed of.

3. The police authorities have been registering criminal cases against the persons found to be transporting, possessing or selling tobacco products under various provisions of I.P.C., including Sections 273 and 278 I.P.C., along with the provisions of the Cigarettes And Other Tobacco Products (Prohibition Of Advertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003, and under the provisions of the Food Safety and Standards Act, 2006. In all such cases, this Court has been taking the view that possession or transportation or sale of tobacco products would not be treated as a crime under these enactments and consequently such cases are being quashed by this Court.

4. Following the said judgments and more specifically the judgment of this Court in 4964 of 2021 dated 03.09.2021, the complaint in Crime No.293 of 2022 of Bhogapuram Police Station, Vizianagaram District, is hereby quashed and the criminal petition is accordingly allowed with a direction to the Station House Officer, Bhogapuram Police Station, to return the tobacco products and the vehicle to the petitioner.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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R. RAGHUNANDAN RAO, J.

04.11.2022 RJS HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO CRIMINAL PETITION.No.8717 of 2022 04.11.2022 RJS