

# Kairam Konda Venkatesh vs The State Of Telangana And Another on 21 April, 2022

**Author: K. Lakshman**

**Bench: K. Lakshman**

HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.3711 of 2022

ORDER:

This application is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.705 of 2017 pending on the file of XVII Addl. Chief Metropolitan Magistrate at Hyderabad, against petitioner / A-1. The petitioner is Accused No.1 in the said case. The offences alleged against him are under Sections 188 and 273 of IPC and Section 59 (i) of the Food Safety and Standard Act, 2006.

2. The learned counsel for the petitioner as well as the learned Assistant Public Prosecutor would submit that the subject matter is squarely covered by a common order dated 27.08.2018, passed by the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh in Crl.P.No.3731 of 2018 and batch, and placed copy of the said judgment for perusal.

3. Perused the common order dated 27.08.2018 in Crl.P.No.3731 of 2018 and batch, wherein a learned Single Judge of the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh following the guidelines laid down by the Hon'ble Supreme Court in State of Haryana v. Bhajan Lal<sup>1</sup>, held that the police are incompetent to take cognizance of the offences punishable under Sections 54 and 59 (1) of the Food Safety and Standards (FSS) Act, 2006, investigating into the offences along with other offences under the provisions of the Indian Penal Code, 1860, and filing charge sheet is a grave illegality, as the Food Safety Officer alone is competent to investigate and to file charge sheet following the Rules laid down under Sections 41 and 42 of FSS Act, whereas, in the present case, the police have registered the crime for the offences under Sections - 188 and 273 of IPC and under Section 59 (1) of the Food Safety and Standard Act, 2006. Therefore, the said proceedings in Crime No.13 of 2018 . 1992 Supp. (1) SCC 335 against the petitioners herein are contrary to the principle held by the Hon'ble Supreme Court in the above decision and, accordingly, the same are liable to be quashed.

4. In view of the above submission, the present Criminal Petition is allowed of in terms of the common order dated 27.08.2018 in Crl.P.No.3731 of 2018 & batch, and the proceedings in C.C.No.705 of 2017 pending on the file of XVII Addl. Chief Metropolitan Magistrate at Hyderabad, are hereby quashed against the petitioner / accused No.1 only.

As a sequel, miscellaneous petitions pending, if any, in the criminal petition, shall stand closed.

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K. LAKSHMAN, J April 21, 2022 Note:

Registry is directed to annex a copy of common order dated 27.08.2018 in Crl.P.No.3731 of 2018 & batch (B/O.) PN HONOURABLE SRI JUSTICE K. LAKSHMAN CRIMINAL PETITION No.3711 of 2022 April 21, 2022