

Para Linga Rao vs The State Of Andhra Pradesh on 18 January, 2021

Author: Cheekati Manavendranath Roy

Bench: Cheekati Manavendranath Roy

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION Nos. 133, 146, 149
and 158 of 2021

COMMON ORDER:

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These Criminal Petitions under Section 482 r/w 457 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") are filed seeking release of the vehicles and the products that were seized by the police at the time of registering the respective crimes against the petitioners.

2. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

3. The record reveals that a case in Crime No.238 of 2020 of Nekarekal Police Station, Guntur District, for the offences punishable under Sections 188, 272 and 273 r/w Section 34 IPC and Sections 58, 59 and 63 of the Food Safety and Standards Act, 2006 (for short "F.S.S. Act") was registered against the petitioners in CrI.P.No.133 of 2021; a case in Crime No.513 of 2020 of Atmakur(Kur) Police Station, Kurnool District, for the offences punishable under Sections 188, 273 r/w 34 IPC and Section 59(i) of the F.S.S. Act was registered against the petitioners in CrI.P.No.146 of 2021; a case in Crime No.326 of 2020 of Eluru I Town Police Station, West Godavari District, for the offences punishable under Sections 270 and 273 IPC, Section 22 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short "COTP Act") and Sections 58(1), 26(2)(iv) of the F.S.S. Act was registered against the petitioner in CrI.P.No.149 of 2021; a case in Crime No. 325 of 2020 of Eluru I Town Police Station, West Godavari District, for the offences punishable under Sections 270 and 273 IPC, Section 22 of the COTP Act and Sections 58(1), 26(2)(iv) of the F.S.S. Act was registered against the petitioner in CrI.P.No.158 of 2021 respectively.

4. The petitioners sought quash of the said F.I.Rs registered against them under Section 482 Cr.P.C before this Court. Admittedly, the said F.I.Rs were quashed by this Court in exercise of its powers under Section 482 Cr.P.C. Learned Additional Public Prosecutor also fairly concedes that the F.I.Rs registered against these petitioners are quashed by this Court in the petitions filed under Section 482 Cr.P.C.

5. Therefore, as the F.I.Rs registered against the petitioners and the criminal prosecution launched against them based on the said reports are quashed, the petitioners are entitled for return of the vehicles and also the products that were seized from their possession in connection with the said crimes by the concerned police during the course of investigation.

6. In the result, these Criminal Petitions are allowed. The concerned police in all the above crimes are hereby directed to return the vehicles and also the products that were seized from the possession of the petitioners in connection with the above crimes registered against them on proper identification and acknowledgment.

Miscellaneous petitions, if any pending, in the Criminal Petitions, shall stand closed.

----- JUSTICE CHEEKATI
MANAVENDRANATH ROY Date: 18-01-2021 AKN THE HON'BLE SRI JUSTICE CHEEKATI
MANAVENDRANATH ROY and 158 of 2021 Date: 18-01-2021 AKN