

Kadagala Jagadish, vs The State Of A.P. on 24 March, 2022

Author: D.Ramesh

Bench: D. Ramesh

THE HON'BLE SRI JUSTICE D. RAMESH
CRIMINAL PETITION NO.2054 OF 2022

ORDER:

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This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."), is filed seeking quash of the proceedings in F.I.R.No.145 of 2022 of Vizianagaram I Town Police Station, Vizianagaram District, registered for the offences punishable under Sections 269, 273 IPC and Sections 5(1), 6(B), 24(1) r/w 22 of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and to release the entire property worth Rs.1,33,070/- mentioned in the FIR along with the seized tobacco products.

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

3. Learned counsel for the petitioner would submit that this is a covered matter in view of the earlier common order passed by this Court in Criminal Petition Nos.5421 of 2019 and batch, whereby this Court has quashed several F.I.Rs registered for the similar offences based on identical facts. Therefore, he would submit that the petitioner is similarly placed and therefore entitled for quash of the F.I.R registered against him.

4. Learned counsel for the petitioner would further submit that in CrI.P.No.3731 of 2018 and batch it was 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 and that transport or storage of tobacco and tobacco products would not constitute an offence punishable under Sections 270 to 273 of IPC.

5. Learned Additional Public Prosecutor fairly concedes that this is a covered matter in view of the aforesaid common order passed by this Court and thereby prayed to pass appropriate orders accordingly in this Criminal Petition also.

6. Therefore, in view of the aforesaid common order of this Court and for the reasons stated therein, this Criminal Petition is allowed and the aforesaid F.I.R. registered against the petitioner, is hereby quashed with a direction to release the entire property worth Rs.1,33,070/- mentioned in the FIR along with the seized tobacco products.

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

_____ D.RAMESH,J Date: 24.03.2022 PA.

Issue cc in two days HON'BLE SRI JUSTICE D.RAMESH CRIMINAL PETITION NO. 2054 of 2022
DATED: 24.03.2022 PA.

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI MAIN CASE No:CRL.P.No.2054 of 2022
PROCEEDING SHEET SL. DATE ORDER OFFICE NOTE NO.

01. 24.03.2022 DR, J Dispense with petition is ordered.

_____ DR,J Criminal Petition is allowed. (VSO) _____ DR,J PA.

SL. DATE ORDER OFFICE NOTE NO.