

# Yadagiri Erlapati, vs The State Of Andhra Pradesh on 22 July, 2022

**Author: Ninala Jayasurya**

**Bench: Ninala Jayasurya**

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

HON'BLE SRI JUSTICE NINALA JAYASURYA

CRIMINAL PETITION No.5430 OF 2022

Between:-

Yadagiri Erlapati

... Petitioner/Accused No.2

and

The State of Andhra Pradesh represented by  
Represented by its Public Prosecutor  
and another

... Respondents

Counsel for the petitioner : Mr.Y.Bala Murali

Counsel for the 1st respondent : The Public Prosecutor

ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the 1st respondent.

2. The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings against the petitioner/Accused No.2 in C.C. No.171 of 2021 on the file of the Court of the I Additional District and Sessions Judge, Guntur, registered for the offences punishable under Sections 188, 273, 328, 420 read with Section 34 of the Indian Penal Code, 1860 (IPC), Sections 57, 58, 63 of the Food Safety and Standards Act, 2006 (FSS Act), and Section 20(b) read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. The learned counsel for the petitioner while placing reliance on the decision of this Court in Criminal Petition No.5421 of 2019 and batch, dated 18.12.2019, submits that the matter is squarely covered by the said decision and the present Criminal Petition deserves to be allowed by quashing the proceedings against the petitioner.

4. The learned Assistant Public Prosecutor fairly submits that the matter in so far as the offences under IPC and FSS Act are concerned, is covered by the common order passed in Criminal Petition

No.5421 of 2018 and batch, dated 18.12.2019. The learned Assistant Public Prosecutor, however, submits that so far as the offences under the NDPS Act are concerned, the investigation shall be proceeded with, even as per the decision relied on by the learned counsel for the petitioner.

5. This Court has considered the submissions made by the learned counsel for both sides. Since the present case is squarely covered by the decision in Criminal Petition No.5421 of 2019 and batch dated 18.12.2019, for the offences under the IPC and FSS Act, the Criminal Petition is allowed in part, quashing the proceedings against petitioner/Accused No.2 for the offences under Sections 188, 273, 328, 420 read with Section 34 of the IPC and Sections 57, 58, 63 of the FSS Act. However, the Trial Court may proceed with the trial of the offences under Section 20(b) read with Section 8(c) of the NDPS Act. Miscellaneous applications, pending if any, shall stand closed.

\_\_\_\_\_ NINALA JAYASURYA, J July 22, 2022.

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