

# Yakkala Venkateswarlu vs The State Of Andhra Pradesh on 21 June, 2022

**Author: Ninala Jayasurya**

**Bench: Ninala Jayasurya**

HON'BLE SRI JUSTICE NINALA JAYASURYA

CRIMINAL PETITION No.4191 OF 2022

Between: -

Yakkala Venkateswarlu, S/o.Saibabu  
and another

... Petitioners

and

The State of Andhra Pradesh represented by  
Represented by its Public Prosecutor.

... Respondent

Counsel for the petitioner : Mr.Kambhampati Ramesh Babu

Counsel for the respondents : The Public Prosecutor

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1972 seeking to quash the proceedings against the petitioners in C.C. No.45 of 2022 on the file of the Court of Junior Civil Judge, Piduguralla.

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

3. The petitioners are Accused Nos.1 and 2 in Crime No.504 of 2019 on the file of the Piduguralla Town Police Station, which was registered for the offences punishable under Sections 420, 273, 270 of the Indian Penal Code, 1860 (IPC) and Sections 7(1), 7(3) and 20(2) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short, COTPA). After completion of the investigation, the Police filed charge sheet in C.C. No.45 of 2022.

4. The learned counsel for the petitioners inter alia submits that the matter is squarely covered by the decision in Criminal Petition No.1432 of 2020 and batch, dated 30.7.2020 as also the decision in Criminal Petition No.5675 of 2020 and batch dated 09.12.2020 wherein in similar circumstances, the F.I.Rs/Charge Sheets registered with regard to similar offences were quashed. He submits that

the offences were registered against the petitioners in identical circumstances and therefore they are entitled for quashing of the charge sheet registered against them.

5. The learned Additional Public Prosecutor fairly submits that the matter is covered by the decisions on which reliance is placed by the learned counsel for the petitioners.

6. Considering the submissions and perusing the material on record including the decision in Criminal Petition No.5675 of 2020 and batch dated 09.12.2020 wherein a learned Judge was pleased to quash the F.I.Rs registered against the petitioners therein for the offences punishable under Sections 188, 172, 173, 328, 353, 420 of IPC as also Sections 56, 57(1), 58, 59 and 62 of the Food Safety and Standards Act, 2006 and under Sections 24(1) read with 27 of COTPA, this Court is inclined to allow the Criminal Petition.

7. In view of the decisions in Criminal Petition No.1432 of 2020 and batch, dated 30.7.2020 and for the reasons alike, the Criminal Petition is allowed and the proceedings against the petitioners in C.C.No.45 of 2022 on the file of the Court of learned Junior Civil Judge, Piduguralla are quashed. No costs. Miscellaneous applications, pending if any, shall stand closed.

\_\_\_\_\_ NINALA JAYASURYA, J June 21, 2022.

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