

CRLP/1377/2022 on 9 March, 2022

Author: D.Ramesh

Bench: D. Ramesh

THE HON'BLE SRI JUSTICE D. RAMESH
CRIMINAL PETITION NO.1377 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.67 of 2022 of Palacole Town Police Station, West Godavari District, registered for the offences punishable under Sections 273, 336 IPC and under Section 34(a) of Andhra Pradesh Excise Act, 1968 and for release of the seized goods in the above FIR, ie., 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 he is also entitled for quash of the F.I.R registered against him.

4. Learned counsel for the petitioner would further submit that in W.P.No.3731 of 2018 and batch dated 27.08.2018, a learned Single Judge of this Court had 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 orders of this Court and for the reasons stated therein, this Criminal Petition is allowed quashing in F.I.R.No.67 of 2022 of Palacole Town Police Station, West Godavari District, with a direction to return the seized tobacco and tobacco products to the petitioner herein.

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

_____ D.RAMESH,J Date: 09.03.2022 PA.

HON'BLE SRI JUSTICE D.RAMESH CRIMINAL PETITION NO. 1377 of 2022 DATED: 09.03.2022 PA.

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI MAIN CASE No:CRL.P.No.1377 of 2022 PROCEEDING SHEET SL. DATE ORDER OFFICE NOTE NO.

01. 09.03.2022 DR, J Dispense with petition is ordered.

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

SL. DATE ORDER OFFICE NOTE NO.