

# Vinod Kumar Vyas vs The State Of Telangana on 12 November, 2021

**Author: Shameem Akther**

**Bench: Shameem Akther**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.8237 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/A2 seeking to quash the proceedings in C.C.No.705 of 2017 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad, wherein cognizance was taken for the offences under Sections 188 and 273 of IPC and Section 59(i) of Food Safety and Standards Act, 2006 (for short, 'FSS Act').

2. Heard the learned counsel for the petitioner/A2, learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A2 would submit that facts and circumstances of the case on hand are akin to the facts and circumstances of the cases in Crime No.34 of 2018 on the file of Manakondur Police Station and the proceedings in the said case were quashed by this Court, vide common order dated 27.08.2018 passed in Criminal Petition No.3731 of 2018 and batch. The contents in the subject case also do not constitute the offences under Sections 188 and 273 of IPC and Section 59(i) of FSS Act against the petitioner/A2 and ultimately prayed to allow the Criminal Petition as prayed for.

4. The learned Assistant Public Prosecutor has fairly conceded the submissions made by the learned counsel for the petitioner/A2.

5. In view of the above submissions and the material placed on record, the allegations made against the petitioner/A2 in the subject C.C.No.705 of 2017 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad, do not constitute the offences under Sections 188 and 273 of IPC and Section 59(i) of FSS Act and there are no grounds to frame charges and proceed with against the petitioner/A2. As seen from the material placed on record, there is no FSL or expert report to the effect that the substance seized is dangerous/hazardous to public health. Hence, it is pertinent to state that continuation of proceedings in the subject C.C is nothing but abuse of process of law. Therefore, the proceedings against the petitioner/A2 in the subject case are liable to be quashed.

6. In the result, this Criminal Petition is allowed and the proceedings against the petitioner/accused in C.C.No.705 of 2017 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad,

are hereby quashed.

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

\_\_\_\_\_ Dr. SHAMEEM AKTHER, J Date: 12.11.2021 ssp