

# **Bommiseti Sambasivarao vs The State Of Andhra Pradesh on 11 April, 2022**

**Author: D.Ramesh**

**Bench: D.Ramesh**

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION No.2490 of 2022

O R D E R:

This criminal petition under Section 482 of the Code of Criminal Procedure, 1973, is filed seeking quash of F.I.R. in Crime No.131 of 2021 of Vetapalem Police Station, Prakasham District, registered for the offences punishable under Sections 188, 269, 270 of the Indian Penal Code, 1860 (for short "I.P.C."), under Sections 58, 59, 63 of the Food Safety and Standards Act, 2006 (for short "F.S.S. Act") and under Section 34(a) of the Andhra Pradesh Excise Act, 1968 (for short "the Excise Act").

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

3. 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 and recent common order passed by this Court in Criminal Petition Nos.2966 of 2021 and batch, whereby the F.I.Rs. registered for the similar offences based on identical facts, were quashed. Therefore, the petitioners, who are similarly placed, are also entitled for quash of the F.I.R. relating to the said offences. However, the present case is not covered by the aforesaid earlier common orders of this Court relating to the offence punishable under Section 34(a) of the Excise Act. So, the F.I.R. relating to the said offence cannot be quashed.

4. Resultantly, in view of the aforesaid earlier common orders of this Court and for the reasons stated therein, this Criminal Petition is partly allowed, quashing the F.I.R. registered only for the offences punishable under Sections 188, 269, 270 of the Indian Penal Code, 1860 (for short "I.P.C."), under Sections 58, 59, 63 of the Food Safety and Standards Act, 2006 (for short "F.S.S. Act"). However, the investigation shall go on in respect of the offence punishable under Section 34(a) of the Excise Act.

As a sequel, the miscellaneous applications pending, if any, shall stand closed.

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JUSTICE D.RAMESH Date: 11.04.2022 Pnr