

Bedigi Ravi Kumar 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.8242 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C), is filed by the petitioner/accused seeking to quash the proceedings against him in Crime No.249 of 2020 of Kosgi Police Station, Narayanpet District, registered for the offences punishable under Sections 188 and 273 of IPC and 52 of Food Safety and Standards Act, 2006 (for short, 'FSS Act').

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

3. Learned counsel for the petitioner/accused would submit that the facts and circumstances of the case on hand are akin to the facts and circumstances of the case in Crime No.34 of 2018 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 allegations in the subject crime also do not constitute the offences under Sections 188 and 273 of IPC and 52 of FSS Act 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/accused.

5. In view of the above submissions and the material placed on record, the allegations made against the petitioner/accused in the subject Crime No.249 of 2020 of Kosgi Police Station, Narayanpet District, do not constitute the offences under Sections 188 and 273 of IPC and 52 of FSS Act. Further, the material seized do not demonstrate that it is dangerous or hazardous to the public health. Under these circumstances, when there is no information constituting such cognizable offences, issuance of FIR in respect of such offences is unsustainable. Accordingly, the proceedings against the petitioner/accused for the offences under Sections 188 and 273 of IPC and 52 of FSS Act, in the subject crime are hereby quashed.

6. Accordingly, this Criminal Petition is allowed and the proceedings in Crime No.249 of 2020 of Kosgi Police Station, Narayanpet District, against the petitioner/accused for the offences under Sections 188 and 273 of IPC and 52 of FSS Act, are hereby quashed.

7. Since the proceedings in the subject crime are quashed, the owner of the seized property is entitled for return of the seized property in accordance with law.

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

_____ Dr. SHAMEEM AKTHER, J Date: 12.11.2021 ssp