

Syed Mansoor Ahmed Quadri vs The State Of Telangana on 23 November, 2021

Author: Satish Chandra Sharma

Bench: Satish Chandra Sharma, A.Rajasheker Reddy

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION (PIL) No.295 of 2020

ORDER:

(Per the Hon'ble the Chief Justice Satish Chandra Sharma) The present writ petition is filed by the petitioner, who is a resident of Karnataka, as public interest litigation stating that the police of Telangana are harassing the merchants of Karnataka by registering cases against them.

It has been stated that there is no prohibition for selling Tobacco and Tobacco products in the State of Karnataka and as and when persons are arrested in the State of Telangana, the Telangana police, based upon their statement under Section 161 of the Code of Criminal Procedure, 1973, are registering criminal cases against the merchants of Telangana.

A reply has been filed in the matter and it has been admitted in the reply that some cases have been registered keeping in view the prohibitory order dated 06.01.2020 issued by the State Government in exercise of powers conferred under Section 30 of the Food Safety and Standards Act, 2006 and the same is applicable for the State of Telangana. It has been stated that the public interest litigation has been filed by the proxy of accused No.3/Mr. Mohd. Ali, who is accused in respect of Crime No.109 of 2020. It has been stated that based upon the statement, a criminal case has been registered and the police is under obligation to register a case against the individuals keeping in view the statement made by other accused persons.

In the considered opinion of this Court, we cannot pass a blanket order restraining the police not to register cases against the persons residing in Karnataka. The law of the land has to be followed. If any person is charged with a new offence, the police is certainly under obligation to take proper action in accordance with law.

Accordingly, the writ petition is dismissed. Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

A. RAJASHEKER REDDY, J 23.11.2021 ES