

Thavva Suresh, vs The State Of A.P, on 28 April, 2022

Author: D.Ramesh

Bench: D.Ramesh

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION No.3183 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 to quash the proceedings in FIR. No.61 of 2022 of Pithapuram Police Station, East Godavari District registered for the offences punishable under Sections 269, 270, 328 read with 34 IPC and 5(1) of Cigarettes and Other Tobacco Products(Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and also to return the seized stock Tobacco Products and Seized Lorry bearing No.AP 29 TB 5333, TATA ACE bearing No.AP 05 TM 3113 and 4 cellphones of the petitioners.

2. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

3. Learned counsel for the petitioners 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 petitioners are similarly placed and they are also entitled for quash of the F.I.R. registered against them.

4. Learned counsel for the petitioners would further submit that in CrI.P.No.3731 of 2018 and batch it was 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.

4. 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.

5. Therefore, in view of the aforesaid common order of this Court and for the reasons stated therein, this Criminal Petition is allowed and the aforesaid F.I.R. registered against the petitioners is hereby

quashed with a direction that the property that was seized from the possession of the petitioners in connection with the aforesaid crime is ordered to be released to the petitioners.

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

JUSTICE D.RAMESH Date : 28-04-2022 tm THE HONOURABLE
SRI JUSTICE D.RAMESH (allowed) CRIMINAL PETITION No.3183 OF 2022 Date : 28-04-2022
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