Talari Krishnaiah vs State Of Andhra Pradesh on 26 March, 2021

Author: R.Raghunandan Rao

Bench: R.Raghunandan Rao

```
          THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO


          CRIMINAL PETITION No.1976 OF 2021

     ORDER:
```

-

A Crime in F.I.R No.440 of 2020 has been registered in Halaharvi Police Station, Kurnool District against the petitioner under Sections 188, 273 of IPC on the ground that the petitioner was caught while transporting tobacco and tobacco products in TOOFAN vehicle bearing registration No.AP-27-Y- 0544.

2. The cases are being booked against persons, who are found to be either storing or transporting tobacco and tobacco products in the State of Andhra Pradesh. Persons, who are facing such cases, have been approaching this Court for relief.

3. In Crl.P.No.5421 of 2019 and batch dated 18.12.2019, a learned Single Judge of this Court had held that tobacco does not fall within the definitions of "food" and as such, registration of Crime under the Food Safety and Standards Act, 2006 is not permissible.

4. In W.P.No.3731 of 2018 and batch dated 27.08.2018, a learned Single Judge of this Court had 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. A learned Single Judge had also held that transport or storage of tobacco and tobacco products would not constitute an offence punishable under Sections 270 to 273 of IPC.

5. In view of the aforesaid findings which are being consistently followed by this Court, this criminal petition is allowed quashing F.I.R No.440 of 2020 has been registered in Halaharvi Police Station, Kurnool District with a direction to return the seized tobacco and tobacco products and TOOFAN vehicle bearing registration No.AP-27-Y-0544 to the petitioner.

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

_____ JUSTICE R.RAGHUNANDAN RAO Date : 26-03-2021 SDP THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO CRIMINAL PETITION No.1976 OF 2021 Date : 26-03-2021 SDP