

CRLP/1440/2020 on 6 January, 2022

Author: Cheekati Manavendranath Roy

Bench: Cheekati Manavendranath Roy

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION Nos. 1440 of 2020, 3708, 3866, 4494,
4698 and 4749 of 2021

ORDER:

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These Criminal Petitions under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") are filed seeking quash of F.I.Rs in Crime No.20 of 2020 of Arundalpet Police Station, Guntur Urban, registered for the offences punishable under Sections 307, 353, 420, 273, 188 IPC, Sections 8(c) r/w 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and under Sections 58, 59, 63 of the Food Safety and Standards Act, 2006 (for short „FSS Act "); in Crime No.62 of 2021 of Itchapuram Town Police Station, Srikakulam District, registered for the offences punishable under Sections 270, 272, 273 r/w 34 IPC, Section 20(2) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short 'COTP Act') and under Section, 34(1)(i) of the A.P. Excise Act; in Crime No.78 of 2021 of Tekkali Police Station, Srikakulam District, registered for the offences punishable under Sections 270, 273 IPC and under Sections 34(a), 34(f), 34(1)(i) of the A.P. Excise Act; in Crime No.282 of 2021 of Madakasira Police Station, Ananthapur District, registered for the offences punishable under Sections 272, 273 IPC, Sections 7(1), 7(3), 20(1) of the COTP Act and under Section 34(a) of the A.P. Excise Act; in Crime No.344 of 2021 of Chilakaluripeta Town Police Station, Guntur District, registered for the offences punishable under Sections 272, 273, 328 IPC, Sections 7(1), 7(3), 20(2) of the COTP Act and under Section 8(c) r/w 20(b)(ii)(A) of the NDPS Act; in Crime No.441 of 2021 of Bhavanipuram Police Station, Vijayawada City, registered for the offences punishable under Section 34(a) of the A.P. Excise Act and under Sections 7(1), 7(2), 20(2) of the COTP Act respectively.

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

Insofar as the IPC, COTP Act, FSS Act offences are concerned, these are covered matters in view of the earlier common orders passed by this Court in Criminal Petition No.5421 of 2019 and batch and Criminal Petition No.2966 of 2021 and batch, whereby this Court has quashed several F.I.Rs registered for the similar offences based on identical facts. Therefore, the petitioners, who are similarly placed, are also entitled for quash of the F.I.Rs relating to said offences.

However, as regards the other offences punishable under the A.P. Excise Act and the NDPS Act, they

are not covered by the aforesaid common orders of this Court. Therefore, the F.I.Rs relating to the said offences cannot be quashed.

Resultantly, the Criminal Petitions are partly allowed quashing the above F.I.Rs registered for the offences under the IPC, COTP Act and the FSS Act alone. As regards the offences under the A.P. Excise Act and the NDPS Act is concerned, the Investigation shall go on and the Investigating Officers are at liberty to proceed with further investigation in the said matters in respect of the said offences.

Miscellaneous petitions, if any pending, in the Criminal Petitions, shall stand closed.

----- JUSTICE CHEEKATI
MANAVENDRANATH ROY Date: 06.01.2022 AKN THE HON'BLE SRI JUSTICE CHEEKATI
MANAVENDRANATH ROY CRIMINAL PETITION Nos. 1440 of 2020, 3708, 3866, 4494, 4698 and
4749 of 2021 Date: 06-01-2022 AKN