

# Anjaneyulu Tallam vs The State Of Andhra Pradesh, on 28 June, 2021

[3240]

IN THE HIGH COURT OF ANDHRA PRADESH ATA

MONDAY ,THE TWENTY EIGHTH DAY OF Jt  
TWO THOUSAND AND TWENTY ONEL

-PRESENT: KS

THE HONOURABLE SMT JUSTICE LALITHA KANNEG: i

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CRIMINAL PETITION NO: 3410 OF 2021 \* yaa  
Between:

Anjaneyulu Tallam, (in FIR wrongly mentions as Pallam), S/o. Pulla Rao,  
Rio. Dammalapadu Village, Muppalla Mandal, Guntur District.  
Petitioner/Accused No.2  
AND

The State of Andhra Pradesh, rep. by its public prosecutor, High Court of Andhra Pradesh at Amaravati, through the Station House Officer, Atchampet Police Station, Guntur District.

' Respondent/Complainant

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in CrI.P., the High Court may be pleased to quash the proceedings in Crime No. 127 of 2021 on the file of Atchampet Police Station, Guntur District against

the petitioner/accused nog. 2.

The petition coming on for hearing, upon perusing the Petition and memo of grounds filed in Cri.P., and upon hearing the arguments of Sri Kambhampati Ramesh Babu, Advocate for the Petitioner, and of Public Prosecutor for Respondent, the Court made the following

ORDER:

THE HON'BLE SMT.JUSTICE LALITHA KANNEGANTI CRIMINAL PETITION No.3410 of 2021  
ORDER:-

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the proceedings in Crime No.127 of 2021 on the file of Atchampet Police Station, Guntur District registered for the offences punishable under Sections 420, 328, 272, 273 and 188 of the Indian Penal Code, 1860 {for short "[PC"]} and Section 58, 59 and 63 of the Food Safety and Standards Act, 2006 (for short 'FSS Act').

2, The petitioner before this Court is A-2 in the above crime.

3. The case of the prosecution is that on 15.06.2021 the police along with mediators inspected the shop of A-1 and on search, they found Khaini, Panmasala and Gutka packets worth Rs. 16,000/-. On interrogation, A-1 confessed that he purchased the same from the petitioner herein. Police seized the said packets under the cover of police proceedings. Basing on the same, the above crime was registered.

4. Heard Sri Kambhampati Ramesh Babu, learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State.

D. Learned counsel for the petitioners submits that Sections 328, 272 and 273 of IPC and Section 58, 59 & 63 of FSS Act relate to food safety standards. Section 328 of IPC speaks about causing hurt by means of poison with an intention to commit an offence.

Section 272 of IPC speaks about adulteration of food or drink intended for sale and Section 273 of IPC speaks about sale of Noxious Food or Drink. He further submits that possession, sale, purchase and transport of banned gutka and tobacco products will not attract the offences as alleged as they do not fall under the definition of food and also do not spread any disease. Moreover, the police have no power to register the offences under above sections except the designated officers like Food Safety Officer. Further, Section 188 of IPC would apply when there is disobedience of an order duly promulgated by a public servant. As such even Section 188 of IPC is not applicable to the present case.

6. Learned Counsel for the petitioners submits that in similar circumstances, this Court passed orders in Criminal Petition No.3731 of 2018 and batch, allowing several criminal petitions by quashing respective F.I.Rs. Hence, he prays to allow this petition.

7. Learned Public Prosecutor has not disputed the fact that in Similar circumstances several F.I.Rs were quashed by this Court.

8, In the light of the above, this criminal petition is allowed and the proceedings in Crime No.127 of 2021 on the file of Atchampet Police Station, Guntur District, are hereby quashed against the petitioner herein.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

"a Sd/-M.Suryanadha Reddy f/fTRUE COPYIf The Station House Officer, Atchampet Police Station, Guntur District Two CCs to Public Prosecutor, High Court of Andhra Pradesh at Amaravaiti, One CC to Sri. Kambhampati Ramesh Babu Advocate [OPUC] One spare copy ve Fo SECTION OFFICER ASSISTANT REGISTRAR HIGH COURT LK,! DATED :28/06/2021 ORDER CRLP. IS ALLOWED