

# **Patan Rafee vs State Of Andhra Pradesh on 22 March, 2021**

**Author: R.Raghunandan Rao**

**Bench: R.Raghunandan Rao**

THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO

CRIMINAL PETITION No.1670 OF 2021

ORDER:

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A Crime in F.I.R.No.3 of 2021 has been registered in Chittamuru Police Station, Sri Potti Sree Ramulu Nellore District against the petitioner under Sections 272, 273 of IPC, 20(2), 22 r/w 5(1) of COTPA on the ground that the petitioner was caught transporting banned tobacco products and cigarettes.

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 with 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 the police would not have jurisdiction to initiate or investigate any offences punishable under the provision of the Food Safety and Standards (FSS) 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 and 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.3 of 2021 of Chittamuru Police Station, Sri Potti Sree Ramulu Nellore District.

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

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JUSTICE R.RAGHUNANDAN RAO Date :  
22-03-2021 RJS THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO CRIMINAL PETITION  
No.1670 OF 2021 Date : 22-03-2021 RJS