

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.26244 of 2017

ORDER:

Heard learned counsel for petitioner and also learned public prosecutor representing the respondent Nos.1 and 2 and perused the grounds urged in the writ petition against the FIR in Crime No.168 of 2017 dated 05.07.2017 of Santoshnagar Police Station, Hyderabad City registered for the offences punishable under Sections 272, 273, 336 and 420 IPC.

2) A perusal of the material no way enables this Court to interdict the investigation, though there is force in the contention of the learned counsel for the petitioner that the offences punishable under Sections 273 and 420 IPC have no application to the facts but for, at best, Sections 272 and 336 IPC, if any. The contention that once there are provisions of Food Adulteration Act, the prosecution by registering the crime with IPC Sections by police is not sustainable but for the Food Inspector through public analyst having collected the sample from the seized product, cause file the private complaint is not readily acceptable but for such contention is kept open for any part of future defence. Thereby the investigation shall go on but not to arrest the petitioner pending investigation. However, it does not prevent the police to secure the presence of the petitioner for the purpose of investigation. Further remedies of the petitioner are left open after police filing final report, if any.

3) Accordingly and in the result, the Writ Petition is disposed of. No order as to costs.

4) Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 23.08.2017
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