

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[*Special Original Jurisdiction*]

MONDAY THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No. 2159 OF 2011

Between :

Pothu Ramachandra Reddy & Anr. ... Petitioners/Accused

V/s.

The State of Andhra Pradesh
Represented by its Food Inspector,
Division-I, Chittoor, Chittoor district
Through Public Prosecutor,
High Court, Hyderabad & Anr. ... Respondents/complainant

Counsel for the Petitioner : Sri Bussa Rajendra

Counsel for the Respondents: Public Prosecutor [AP]

The court made the following: [order follows]

SMT. JUSTICE T. RAJANICRIMINAL PETITION No. 2159 OF 2011ORDER :

This Criminal Petition is filed under section 482 of Cr.P.C. , seeking to quash the proceedings in STC.No. 111 of 2006 on the file of the Court of V-Additional Judicial Magistrate of First Class, Chittoor district.

2. Heard the counsel for the petitioners and Public Prosecutor takes notice for the first respondent. In spite of service of notice, none appeared on behalf of the second respondent.

3. The counsel for the petitioners contend that the petitioners are in no way concerned with the Drinking Water [Akash Brand] manufacturing unit, where inspection was conducted by the Food Inspector.

4. A perusal of complaint shows that the first petitioner was very much present and the licence stood in the name of the second petitioner. The contention of the counsel for the petitioners, that licence was obtained by the second petitioner behind the back of the original owner, is an issue to be examined by taking sufficient evidence on the said aspect.

5. The contention of the counsel for the petitioners is that water is not a food item and does not fall under the Act is also not acceptable, the law on that aspect is conflicting and cannot be decided without evidence.

6. Hence, with the above observation, this Court is of the opinion that it is not a fit case for quashing of the proceedings against the petitioners. If they choose they are at liberty to file discharge petition before the court below.

7. With the above observation, this Criminal Petition is dismissed.

8. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand disposed of.



JUSTICE T. RAJANI

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No. 2159 OF 2011



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