

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1383 OF 2018

ORDER:

This petition is filed by the petitioner-A1 under Section 482 Cr.P.C. to quash the proceedings in Cr.No.300 of 2017 on the file of the Station House Officer, Shahinayathgunj Police Station, Hyderabad, which was registered for the offences punishable under Sections 420, 272, 273 and 188 IPC and 20 (2) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003..

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that as per the prosecution case, Gutka was only seized. The allegations do not constitute an offence punishable under Section 420 IPC.

4. On the other hand, learned Assistant Public Prosecutor would submit that application of Section 420 IPC would be determined after due investigation. It is also contended that huge quantity of Gutka said to have been seized from A4.

5. In view of the circumstances and nature of allegations leveled against the petitioner-A1, the S.H.O. concerned is directed to abide by the conditions imposed in **ARNESH KUMAR V. STATE OF BIHAR**¹ and follow the provisions under Section 41-A Cr.P.C.

¹ (2014) 8 SCC 273

6. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 08-02-2018.

Hsd

