

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.9229 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner/accused to quash the proceedings in F.I.R. No.57 of 2018, dated 22.08.2018, of A.Koduru Police Station, Visakhapatnam District (For short, the trial Court'), registered for the offences punishable under Section 273 of I.P.C. and Section 22 R/w.5(1) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short, 'the COTP Act').

During course of hearing, both the learned counsel for the petitioner and learned Public Prosecutor fairly conceded that the issue involved in this Criminal Petition is squarely covered by the common order, dated 27.08.2018, passed by this Court in Criminal Petition No.3731 of 2018 and batch, where this Court, while partly allowing the Criminal Petition Nos.6811, 6816, 7081, 8216 and 7851 of 2018, quashed the proceedings against the petitioners therein only for the offence under Section 273 of I.P.C., while permitting to continue the proceedings against them under the COTP Act, and that as the petitioner is also similarly situated person, the proceedings against him may be quashed.

Since the issue involved in this Petition is squarely covered by the common order in Criminal Petition Nos.3731 of 2018 and batch, this Criminal Petition is allowed in part quashing the proceedings against the petitioner/accused in F.I.R. No.57 of 2018, dated 22.08.2018, of A.Koduru Police Station, Visakhapatnam District, only for the offence punishable

under Section 273 of I.P.C., while permitting to proceed against him for the offences punishable under the provisions of COTP Act.

Registry is directed to enclose a copy of the common order, dated 27.08.2018, passed by this Court in Criminal Petition No.3731 of 2018 and batch to this petition.

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

M.SATYANARAYANA MURTHY, J

Date: 30.08.2018.
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