

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.10935 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.274 of 2018 of Bhimunipatnam Police Station, Visakhapatnam District, registered for the offences punishable under Sections 188, 273, 328, 378 and 34 IPC, against the petitioner, on various grounds.

Learned counsel for petitioner and learned Public Prosecutor submitted that the issue involved in this petition is squarely covered by the order dated 27.08.2018 of this Court in Criminal Petition No.3731 of 2018 and batch.

The other offence allegedly committed by the petitioner is punishable under Section 278 IPC. According to Section 278 IPC making atmosphere noxious to health, whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way. As per the dictionary noxious means harmful, deleterious, injurious, poisonous. In the absence of any allegation in the occurrence report that stocking of tobacco products referred in the complaint would not make it noxious atmosphere and thereby, would not constitute offence punishable under Section 278 IPC, *prima facie*.

In view of the above submissions, the criminal petition is allowed in terms of the order dated 27.08.2018 in Criminal Petition No.3731 of 2018 and batch.

Registry is directed to attach a copy of the order dated

27.08.2018 in Criminal Petition No.3731 of 2018 and batch to this order.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

12.10.2018
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