

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7433 of 2018

ORDER :

The petitioner is the accused in C.C.No.121 of 2017 on the file of the II Additional Metropolitan Magistrate, Hyderabad, out come of Crime No.167 of 2016 of Afzal Gunj Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 272 IPC and police after investigation by citing 10 witnesses including LW.10- Investigating Officer filed the final report, that was taken cognizance therefrom for the offences supra by the learned Magistrate and subsequently when summoned, the accused is impugning the same.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and perused the grounds in the quash petition, charge sheet and the Part-II case material.

3. There is force in the contention of the learned counsel for the petitioner that there is no application of the offence under Section 272 IPC, for nothing to show the Skim Milk Powder is an adulterated one. Having regard to the above, the cognizance order of the learned Magistrate to that extent can be considered to set aside.

4. Coming to the offence under Section 420 IPC, the statement of witnesses says the accused changing the packing of the milk products and selling the same to deceive the public in general. Once such is the case, it is premature to quash the proceedings, but for to direct the accused to face the trial for the offence under Section 420 IPC.

5. With these observations, the criminal petition is allowed in part quashing the cognizance taken for the offence under Section 272 IPC and not for offence under Section 420 IPC.

Miscellaneous petitions pending, if any, shall stand closed.

4th February 2019

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Dr. B. SIVA SANKARA RAO, J