

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE**

**PRESENT
THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 1945 OF 2021

Between:

1. Muthyam Suryanarayana @ Suresh, S/o. Late Valkuntam,
2. Muthyam Ramesh, S/o. Late Vaikuntam,

...PETITIONERS

AND

The State of Telangana, Rep. by Public Prosecutor, High Court at Hyderabad Through
P.S. Narayanaguda

...RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against the Petitioners in C.C. No 1014/2017, on the file of IX Additional Chief Metropolitan Magistrate, Hyderabad for the alleged offences U/s 272, 273, 336 r/w 34 IPC

I.A. NO: 1 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings including appearance of the petitioners in C.C. No.1014/2017, on the file of Judicial IX Additional Chief Metropolitan Magistrate, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SRINIVAS REDDY BALAKISTI, Advocate for the Petitioners and of the Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.1945 of 2021

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.1014 of 2017, pending on the file of IX Additional Chief Metropolitan Magistrate, Hyderabad. The offences alleged against the petitioners/Accused Nos.5 and 6 are under Sections 272, 273 and 336 read with 34 of IPC.

2. Learned counsel for the petitioners as well as the learned Assistant Public Prosecutor would submit that the subject matter is squarely covered by a common order in **Chidurala Shyamsubder v. State of Telangana**¹ rendered by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, and placed copy of the said judgment for perusal.

3. In **Chidurala Shyamsubder's** case (supra), a learned Single Judge of the High Court, following the guidelines laid down by the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal**², held that the Police are incompetent to take cognizance of the offences punishable under Sections 45 and 59(1) of the Food Safety and Standards (FSS) Act, 2006, investigating into the offences along with other

¹ Cr.P. No 3731 of 2018 & batch, decided on 27.08.2018
² 1992 Supp. (1) SCC 335

offences under the provisions of the Indian Penal Code, 1860, and filing charge sheet is grave illegality, as the Food Officer alone is competent to investigate and to file charge sheet following the Rules laid down under Sections 41 and 42 of FSS Act, whereas, in the present case, the Police have registered the crime for the offences under Sections 272, 273 and 336 read with 34 IPC. Therefore, the said proceedings in C.C.No.1014 of 2017 against the petitioners herein are contrary to the principle held by the learned Single Judge of the High Court in **Chidurala Shyamsubder** (supra) and, accordingly, the same are liable to be quashed.

4. In view of the above submission, the present Criminal Petition is allowed in terms of the judgment in **Chidurala Shyamsubder** (supra), and the proceedings in C.C.No.1014 of 2017, pending on the file of IX Additional Chief Metropolitan Magistrate, Hyderabad, are hereby quashed against the petitioners/accused No.5 and 6.

5. Since the proceedings in C.C.No.1014 of 2017 are quashed against the petitioners/accused Nos.5 and 6, the petitioners are at liberty to file appropriate application before the Court below for return of seized property/vehicle. On such application is being filed, the Court below is directed to release the seized property/vehicle to the petitioners on verifying the documents with regard to

ownership of the said property. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

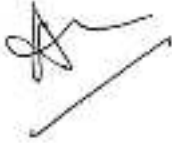
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Sd/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The IX Additional Chief Metropolitan Magistrate, Hyderabad.
 2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
 3. One CC to Sri Srinivas Reddy Balakisti, Advocate (OPUC)
 4. Two CD Copies
- kj.



HIGH COURT

DATED:17/03/2021



ORDER

CRLP.No.1945 of 2021

ALLOWING THE CRL.P.

6
REMA
03/3/2021