

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT
THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 4890 OF 2021

Between:

Munige Jagan, S/o.Narasaiah,

...PETITIONER/ACCUSED

AND

The State of Telangana, rep. by its Public Prosecutor, High Court for the State of
Telangana at Hyderabad through S.H.O. Nirmal Town Police Station, Nirmal District.

...RESPONDENT/COMPLAINANT

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 call for the records relating to case in Crime.No.237 of 2021 on the file of P.S. Nirmal Town, Nirmal District, and quash the proceedings in the above Crime.No. 237 of 2021 and pass such other order or orders .

I.A. NO: 2 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 arrest of the petitioner in Crime No. 237 of 2021 of Nirmal Town Police Station, Nirmal District, pending disposal of the above criminal petition and pass such other order or orders.

I.A. NO: 3 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 direct the police to return the seized material in Crime No. 237 of 2021 of Nirmal Town Police Station, Nirmal District to the petitioner, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri GAJANAND CHAKRAVARTHI, Advocate for the Petitioner and of the Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.4890 OF 2021

ORDER:

This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in Crime No.237 of 2021 pending on the file of Nirmal Town Police Station, Nirmal District. The petitioner herein is sole accused in the said crime. The offences alleged against him are under Sections - 270, 273 and 328 read with 511 of IPC.

2. Heard Mr.Gajanand Chakravarthi, learned counsel for the petitioner and the learned Assistant Public Prosecutor appearing on behalf of respondent - State.

3. This Court, by common order dated 05.07.2021 in CrI.P. No.152 of 2020 and batch, has extensively dealt with the issue covered in the present criminal petition observing that transportation, possession, storage, sale and purchase of tobacco products are not totally banned in the State of Telangana and, therefore, it cannot be said that offences under Sections - 269, 270, 271, 272 and 273, 328, 336 and 420 of IPC are attracted to the petitioners therein. In the present case also, the allegations against the petitioner are that he is selling prohibited tobacco products and the contents of the complaint do not attract the ingredients of offences under Sections - 270, 273

and 328 read with 511 of IPC and, therefore, the proceedings against the petitioner in the above crime are liable to be quashed.

4. The present Criminal Petition is accordingly allowed quashing the proceedings in Crime No.237 of 2021 pending on the file of Nirmal Town Police Station, Nirmal District, against the petitioner - sole accused.

5. Since the proceedings are quashed against the petitioner in the above crime, the Station House Officer, Nirmal Town Police Station, is hereby directed to return the seized property to the petitioner on proper identification and verification of ownership under due acknowledgment.

As a sequel, miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

Sd/-N.CHANDRASEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Station House Officer, Nirmal Town Police Station, Nirmal District.
2. One CC to Sri Gajanand Chakravarthi, Advocate (OPUC)
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
4. Two CD Copies
5. One Spare Copy

Kj.



HIGH COURT

DATED:05/07/2021

ORDER

CRLP.No.4890 of 2021



CRL.P. IS ALLOWED.

19/07
(7)