

**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: 4898 OF 2021

Between:

Nidhir Mandal, S/o.Rathan Mandal, Aged about 36 years, Occ. Business, R/o.Villa No.1,
Nazrulnagar, Kaghaznagar, Komaram Bheem,Asifabad District.

...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. Easgoan Police Station, Komaram Bheem
Asifabad 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 quash the proceeding against the petitioner/accused in Crime.No. 41 of 2021 on
the file of P.S. Easgoan, Komaram Bheem Asifabad District, and consequently direct
the police to return the seized material in Crime.No. 41 of 2021 of Easgoan Police
Station, Komaram Bheem Asifabad District ,

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 dispense with filing of the certified copy of the Crime No. 41 of 2021 on the file of
Easgoan Police Station, Komaram Bheem,Asifabad District

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 direct the police to return the seized material in Crime.No. 41 of 2021 of Easgoan
Police Station, Komaram Bheem Asifabad District to the petitioner.

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/ Complainant.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.4898 OF 2021

ORDER:

This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in Crime No.41 of 2021 pending on the file of Easgoan Police Station, Komaram Bheem Asifabad District. The petitioner herein is sole accused in the said crime. The offences alleged against him are under Sections - 270 and 273 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 Crl.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 in possession of prohibited tobacco products and the contents of the complaint do not attract the ingredients of offences under Sections -

270 and 273 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.41 of 2021 pending on the file of Easgoan Police Station, Komaram Bheem Asifabad District, against the petitioner - sole accused.

5. Since the proceedings are quashed against the petitioner in the above crime, the Station House Officer, Easgoan 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/-K.ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To

1. The Judicial First Class Magistrate, Sirpur, Komrambheem Asifabad District.
2. The Station House Officer, Police Station, Easgoan, Komrambheem Asifabad District. (Crime No.41/21)
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
4. One CC to Sri Gajanand Chakravarthi, Advocate (OPUC)
5. Two CD Copies
6. One Spare Copy

Kj.



HIGH COURT

DATED:05/07/2021

ORDER

CRLP.No.4898 of 2021



ALLOWING OF THE CRL.P.

AK
19/07

(8)