

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

**FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE**

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

CRIMINAL PETITION NO: 5198 OF 2021

Between:

Thufiq Budwani, S/o.Sher Ali,

...PETITIONER/ACCUSED

AND

The State of Telangana, rep. by its Public Prosecutor, High Court for the State of
Telangan at Hyderabad through S.H.O. Jainoor Police Station, Komarambheem
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 call for the records relating to case in Crime.No. 57 of 2021 on the file of P.S.
Jainoor Police Station, Komarambheem Asifabad District, and quash the proceedings
in the above Crime.No. 57 of 2021.

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. 57 of 2021 on the file of
P.S. Jainoor Police Station, Komarambheem Asifabad 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 Assistant Public Prosecutor
on behalf of the Respondent.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5198 OF 2021

ORDER:

This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in Crime No.57 of 2021 pending on the file of Jainoor Police Station, Komaram Bheem Asifabad District. The petitioner herein is the sole accused in the said crime. The offences alleged against him are under Sections 270 and 273 of I.P.C.

2. Heard 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 and 273 of I.P.C 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.57 of 2021 pending on the file of Jainoor Police Station, Komaram Bheem Asifabad District, against the petitioner – accused.

5. Since the proceedings are quashed against the petitioner in the above crime, the Station House Officer, Jainoor 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.

//TRUE COPY//

Sd/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Station House Officer, Jainoor Police Station, Komarambheem Asifabad 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:09/07/2021



ORDER

CRL.P.No.5198 of 2021

CRL.P. IS ALLOWED.

mm
20/07

①