

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

**MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE**

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

CRIMINAL PETITION NO: 5249 OF 2021

Between:

Md Abrar, S/o.Gulam Abbas, Aged about 31 years, Occ Business,R/o.H. No. 7-7-66/2,
Vidya Nagar, Adilabad Urban, Adilabad District, Telangana -504001

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad.
2. K. Vishnu Prakash, Sub-Inspector of Police, P.S. Adilabad II Town, Adilabad District

...RESPONDENT/DEFACTO 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 proceedings against the Petitioner/Accused in FIR No.100 of 2021 dated 05/07/2021 on the file of Adilabad II Town Police Station, Adilabad District, in the interest of justice-

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/Accused in FIR No.100 of 2021 dated 05-07-2021 on the file of Adilabad II Town Police Station, Adilabad District, 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 SHAIK KARIMULLA, Advocate for the Petitioner and of the Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5249 OF 2021

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in Crime No.100 of 2021 pending on the file of Adilabad II Town Police Station, Adilabad District. The petitioner herein is sole accused in the said crime. The offences alleged against him are under Sections 420, 328, 270, 273 read with 511 of IPC.

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

3. This Court, by Common Order dt.05.07.2021 in CrI.P.No.152 of 2020 & 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, 273, 328, 336 and 420 of IPC are attracted to the petitioners therein.

4. 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 420, 328, 270, 273 read with 511 of IPC and, therefore, the proceedings against the petitioner in the above crime are liable to be quashed.

5. The present Criminal Petition is accordingly allowed in terms of the Common Order dt.05.07.2021 in CrI.P.No.152 of 2020 & Batch, quashing the proceedings in Crime No.100 of 2021 pending on the file of Adilabad II Town Police Station, Adilabad District, against the petitioner - sole accused.

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

7. 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 II Town Police Station, Adilabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
3. One CC to Sri Shaik Karimullah, Advocate (OPUC)
4. Two CD Copies
5. One Spare Copy

Kj.



HIGH COURT

DATED:12/07/2021



ORDER

CRLP.No.5249 of 2021

ALLOWING THE CRL.P.

SNK
19/07

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