

THE HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5375 OF 2021

ORDER:

This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in C.C.No.568 of 2020 pending on the file of Special PCR Mobile Court-cum-Judicial First Class Magistrate at Adilabad. The petitioners herein are accused Nos.1 and 2 in the said Calendar Case. The offences alleged against them are under Sections – 270 and 273 of IPC.

2. Heard Mr. Gajanand Chakravarthi, learned counsel for the petitioners, 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 I.P.C. are attracted to the petitioners therein. In the present case also, the allegations against the petitioners are that they are purchasing and selling the 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 petitioners in the above case are liable to be quashed.

4. The present Criminal Petition is accordingly allowed in terms of the common order dated 05.07.2021 in CrI.P.No.152 of 2020 and batch and the proceedings in C.C.No.568 of 2020 pending on the file of Special PCR Mobile Court-cum- Judicial First Class Magistrate at Adilabad, against the petitioners – accused Nos.1 and 2 are hereby quashed.

5. Since the proceedings are quashed against the petitioners in the above Calendar Case, the petitioners are at liberty to file an appropriate application before the concerned Magistrate for return of the seized property and the learned Magistrate shall consider the same in accordance with law.

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

K. LAKSHMAN, J

Date: 15.07.2021

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