

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 5475 OF 2021

Between:

Burra Lingaiah Yadav, S/o Muthaiah, Aged about 32 years, Occ- Business
R/o H.No.3-33, Marridguda Village and Mandal, Nalgonda District

.....PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad.
2. B. Yadagiri, Sub-Inspector of Police, P.S. Nalgonda II Town, Nalgonda District

.....RESPONDENT/DE-FACTO 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.257 of 2021 dated 14/06/2021 on the file of Nalgonda- II Town Police Station, Nalgonda 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 stay all further proceedings including arrest of the Petitioner/Accused in FIR No. 257 of 2021 dated 14/06/2021 on the file of Nalgonda- II Town Police Station, Nalgonda District, pending disposal of the above Criminal Petition and to pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri. M. A. K. Mukheed, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1 and of none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5475 OF 2021

ORDER:

This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in Crime No.257 of 2021 pending on the file of Nalgonda II Town Police Station, Nalgonda District. The petitioner herein is sole accused in the said crime. The offences alleged against him are under Sections - 328, 272 and 273 of IPC.

2. Heard Mr. M.A.K.Mukheed, 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 was possessing prohibited tobacco products and the contents of the complaint do not attract the ingredients of

offences under Sections - 328, 272 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 in terms of the common order dated 05.07.2021 in CrI.P.No.152 of 2020 and batch and the proceedings in Crime No.257 of 2021 pending on the file of Nalgonda II Town Police Station, Nalgonda District, against the petitioner - accused are hereby quashed.

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

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate, (Proh & Excise Offences) Nalgonda District
2. The Station House Officer, Nalgonda II Town, Police Station Nalgonda II Town, Nalgonda District
3. One CC to Sri M A K Mukheed, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies
6. One Spare Copy

VM
TP

HIGH COURT

DATED: 19/07/2021



ORDER
CRLP.No.5475 of 2021

ALLOWING THE CRIMINAL PETITION

⑧ $\frac{VLY}{29/7/21}$