

THE HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5682 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.1219 of 2021 pending on the file of Judicial First Class Magistrate at Devarakonda, Nalgonda District. The petitioner herein is accused No.2 in the said CC. The offences alleged against him are under Sections – 272, 273 and 328 read with 511 of IPC.

2. Heard Mr. Srinivas Reddy Balakisti, 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 and selling prohibited tobacco

products and the contents of the complaint do not attract the ingredients of offences under Sections – 272, 273 and 328 read with 511 of IPC and, therefore, the proceedings against the petitioner 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.1219 of 2021 pending on the file of Judicial First Class Magistrate at Devarakonda, Nalgonda District, against the petitioner – accused No.2 are hereby quashed.

5. Since the proceedings are quashed against the petitioner in the above CC, the petitioner is 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.

Date: 23.07.2021
TJMR

K. LAKSHMAN, J