

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

MONDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 6708 OF 2020

Between:

1. Sarem Nagaraju, S/o Joga Rao Aged about 30 yrs, Occ. Driver R/o Ramachandrapuram, Gundepudi Village, Julurupadu Mandal, Khammam District.
2. Malempati Shiva, S/o Rambabu, Aged About 22 Years, Occ. Cooli, R/o H.No9-3-86, Subash Nagar Colony, Bhadrachalam, Khammam District.
3. Uppal Srinivas, S/o Narayana Rao Aged About 32 Years, Occ. Business, R/o. H.No. 8-1-33, Post Office Road, Bhadrachalam, Khammam District.

...PETITIONER/ACCUSED Nos.1 to 3

AND

1. Assistant Sub-Inspector of Police, Police station Yelandu, Badradri Kothagudem District

...RESPONDENT/COMPLAINANT

2. The State of Telangana, Represented by its Public Prosecutor, High Court at Hyderabad

...RESPONDENT/COMPLAINANT

Petition under Section 482 R/w 451 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 all further proceedings against the Petitioners in Crime No 250 of 2020 on the file of Police station Yelandu Badradri Kothagudem District.

I.A. NO: 1 OF 2020

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 to return the Amber packets and Ashok Leyland vehicle Bearing No. TS 28TA0131 seized by the 1st Respondent in Crime No 250 of 2020 on the file of Police station Yelandu Badradri Kothagudem District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s C.Sunitha Kumari, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.6708 of 2020

ORDER:

This application is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.250 of 2020, pending on the file of Yelandu Police Station, Bhadradi-Kothagudem District against the petitioners/A1 to A3. The offences alleged against them are under Sections 270 and 273 IPC.

Learned counsel for the petitioners as well as the learned Assistant Public Prosecutor would submit that the subject matter is squarely covered by a common order dated 27.08.2018 passed by the High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh in CrI.P.No.3731 of 2018 and batch, and placed copy of the said judgment for perusal.

Perused the common order dated 27.08.2018 in CrI.P.No.3731 of 2018 and batch, wherein a learned Single Judge of the High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh following the guidelines laid down by the Hon'ble Supreme Court in State of **Haryana v Bhajan Lal**¹, held that the police are incompetent to take cognizance of the offences punishable under Sections 54 and 59(1) of the Food Safety and Standards (FSS) Act, 2006, investigating into the offences along with other offences under the provisions of IPC and filing charge sheet is a grave illegality, as the Food Safety Officer alone is competent to investigate and to file charge sheet following the Rules laid down under Section 41 and 42 of FSS Act.

¹ 1992 Supp.(1) SCC 335

In view of the above submission, the present Criminal Petition is allowed in terms of the judgment in CrI.P.No.3731 of 2018 and batch decided on 27.08.2018 and the proceedings in Crime No.250 of 2020 of Yellandu Police station, Bhadradi Kothagudem District are hereby quashed against the petitioners-accused Nos.1 to 3.

It is submitted by the learned counsel for the petitioners that the police have seized property consists of Amber packets and the vehicle viz., Ashok Leyland No.TS 28 TA 0131 and the same are in the custody of the Police, Yellandu Police Station, and sought direction for return of the said property to the petitioners.

Since the proceedings in Crime No.250 of 2020 are quashed against the petitioners/A-1 to A-3, the Station House Officer, Yellandu Police Station, Bhadradi - Kothagudem District, are directed to return the seized property i.e., 24 bags of Amber packets, each contains 100 packets, all worth of Rs.6,00,000/- including the crime vehicle bearing No.TS 28 TA 0131, to the petitioners on verifying the documents with regard to ownership of the said property.

Miscellaneous Petitions, if any, pending in this Petition, shall stand closed.

SD/- M.MANJULA
ASSISTANT REGISTRAR

Note: Amended as per Court Order dated. 08.02.2021 in I.A.No.1 of 2021 in CrI.P. No.6708 of 2020 by inserting annexed paras immediately after the unnumbered paragraph No.3.

This amended order substitutions earlier order 18.01.2021, which was dispatched on 23.01.2021

SD/- M.MANJULA
ASSISTANT REGISTRAR
[Signature]
SECTION OFFICER

//TRUE COPY//

To,
1. The Judicial First Class Magistrate at Yellandu, Badradri Kothagudem District

2. The Station House Officer, Badradri Kothagudem Police Station, Yellandu, Khammam District
3. One CC to M/s C.Sunitha Kumari, Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court for the State of Telangana Hyderabad (OUT)
5. Two CD Copies

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[Handwritten signature]

HIGH COURT

KLJ

DATED:18/01/2021

DATED: 08/02/2021



AMENDED ORDER

CRLP.No.6708 of 2020

Disposing of the CRL.P

①
17/2/21
HVP