

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

**THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 7279 OF 2021

Between:

Purushotham Misra, S/o. Nathmal Mishra, Aged about 64 Years, Occ. Business,
R/o. H.No.14-11-717, Jinsi Chouraha, Mangal Hat, Nampally, Begumbazar,
Hyderabad.

...Petitioner/Accused No.3

AND

The State of Telangana, through S.H.O., Musheerabad Police Station,
Hyderabad District, represented by its Public Prosecutor, High Court, Hyderabad.

...Respondent/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 call for the records relating to case in C.C.No.6747 of 2019 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, and quash the proceedings in the above C.C.No.6747 of 2019.

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 further proceeding including appearance of the petitioner in C.C.No.6747 of 2019 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, 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 Gajanand Chakravarthi, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7279 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/A.3 seeking to quash the proceedings against him in C.C.No.6747 of 2019 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, wherein cognizance was taken for the offences under Sections 272, 273 of IPC and Section 59 of Food Safety and Standards Act, 2006.

2. Heard the learned counsel for the petitioner/A.3, learned Assistant Public Prosecutor for the respondent and perused the record.

3. The learned counsel for the petitioner/A.3 would submit that the facts and circumstances of the case on hand are akin to the facts and circumstances of the case in Crime No.13 of 2018 of Golkonda Police Station, and the proceedings in the said case were quashed by this Court vide order, dated 27.08.2018, passed in Criminal Petition No.6754 of 2018. The allegations in the subject C.C., also do not constitute the offences under Sections 272, 273 of IPC and Section 59 of Food Safety and Standard Act, 2006 against the petitioner/A.3 and ultimately prayed to allow the Criminal Petition, as prayed for.

4. The learned Assistant Public Prosecutor has fairly conceded the submissions made by the learned counsel for the petitioner/A.3.

5. In view of the above submissions and the material placed on record, the allegations made against the petitioner/A.3 in the subject C.C.No.6747 of 2019 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, do not constitute the offences under Sections 272, 273 of IPC and Section 59 of Food Safety and Standard Act, 2006. Therefore, when no ingredients constituting the offences indicated above are made out, the issuance of F.I.R and filing of charge sheet, are unsustainable in law. So, the proceedings against the petitioner/A.3 in the subject C.C are liable to be quashed.

6. In the result, this Criminal Petition is allowed and the proceedings in C.C.No.6747 of 2019 on the file of XVII Additional Chief Metropolitan Magistrate, at Hyderabad, against the petitioner/A.3, are hereby quashed.

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

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

Go

SECTION OFFICER

To,

1. The XVII Additional Chief Metropolitan Magistrate, at Hyderabad.
2. The Station House Officer, Musheerabad Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Gajanand Chakravarthi, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
gbr

22/11

HIGH COURT

DATED: 30/09/2021



ORDER

CRLP.No.7279 of 2021

ALLOWING THE CRIMINAL PETITION

8
11/10/21
HW