

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 9299 OF 2022

Between: I.A. No 3 of ^{AND} 2022

Gopi Satti, S/o. Venkanna, Aged about 24 years, Occ. Driver,
Wo. Mulakalapalli(V), Dornakal(M) Mahabubabad(D), Telangana

...PETITIONER

AND

The State of Telangana, Rep by the Public Prosecutor, Through P.S.
Kothagudem III Town, Bhadradi.

...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 quash the proceedings against the Petitioner in Crime No 196/2022, on the file of P.S Kothagudem III Town, Bhadradi for the alleged offenses U/s. 279, 336, 270, 273 IPC, 6(B) COTPA.

I.A. NO: 3 OF 2022

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 the court below to return tobacco material and vehicle bearing registration No. TS 03 UC 9137 Goods Carrier seized from the Petitioner in connection with in Crime, No. 196 of 2022, P.S. Kothagudem III Town, Bhadradi forthwith immediately pending disposal of the Cr.P. in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SRINIVAS REDDY BALAKISTI, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent.

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9299 OF 2022**
ALONG WITH I.A.NO.3 OF 2022**ORDER:**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner to quash the proceedings against him in F.I.R.No.196 of 2022, on the file of Station House Officer, Kothagudem III Town Police Station, Bhadradi.

2. The petitioner herein is the accused in the said crime. The offences alleged against him are under Sections 279, 336, 270 and 273 of Indian Penal Code (for short "IPC") and Section 6(B) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short 'COTP Act').

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent. Perused the record.

4. Perusal of the record would reveal that the lis involved in this case had already been dealt with by this Court extensively vide

common order dated 05.07.2021 in Crl.P. No.152 of 2020 and batch which was reported in **Mohd. Jameel Ahmed v. State of Telangana**¹ and also vide common order dated 10.06.2022 in Crl.P.No.5619 of 2020 and batch.

5. Therefore, this Criminal Petition is allowed quashing the proceedings in F.I.R.No.196 of 2022, on the file of Station House Officer, Kothagudem III Town Police Station, Bhadradi, in terms of the common order, dated 05.07.2021 passed by this Court in **Mohd. Jameel Ahmed (Supra)** and also common order dated 10.06.2022 in Crl.P.No.5619 of 2020 and batch.

6. As the proceedings in the aforesaid Criminal Petition are quashed against the petitioner, the Station House Officer/Investigating Officer is hereby directed to return the seized property/vehicle on proper identification and verification of ownership under due acknowledgment. In case charge sheet is already filed the petitioner is at liberty to file an appropriate application before the concerned Magistrate for return of the seized property/vehicle and the Magistrate shall consider the same in accordance with law. However, it is made clear that if the seized

¹ 2022 CriLJ 642.

stock of tobacco products or other products are expired, the same shall be destroyed by taking permission from the concerned Magistrate.

7. The copy of the common orders passed by this Court in Criminal Petition No.152 of 2020 and batch on 05.07.2021 and also in Criminal Petition No.5619 of 2020 and batch on 10.06.2022, shall form part of this order.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

Sd/- G. SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The II Adl. Judicial First Class Magistrate at Kothagudem, Kothagudem District.
2. The Station House Officer, Kothagudem III Town Police Station, Bhadrachalam District.
3. One CC to SRI. SRINIVAS REDDY BALAKISTI, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
5. Two CD Copies

DL

HIGH COURT

DATED:19/12/2022

ORDER

CRLP.No.9299 of 2022



ALONG WITH I.A No. 3 of 2022 closed

(8)
PN
24/1/23