

**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: 9567 OF 2022

Between:

Salmann @ Abdul Aleem, Wrongly mentioned in F.I.R S/o. Md.Abdul Hakeem,
Aged about 32 years, Occ.Professional Services, R/ o. 18-8-104/106, PN Nagar,
Edi Bazar, Hyderabad, T.S.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyd.
2. The State of Telanana, through P.S. Jubilee Hills, 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 quash the proceedings against the petitioner/accused No.1 C.C.No.11141 of 2018 in Crime No.292 of 2017 of P.S. Jubilee Hills, Hyderabad, for the U/Sec 328, 188 IPC and Sec 4 and 20 (2) COTP Act pending disposal of the above criminal petition.

I.A. NO: 1 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 Stay all further proceedings against the petitioner in CC No. 11141 of 2018 in Crime No. 292 of 2017 of PS Jubilee Hills Hyderabad for the U/Sec 328, 188 IPC and Sec 4 and 20 (2) COTP Act 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 M.M AHMED KHAN, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9567 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 C.C.No.1141 of 2020, pending on the file of XVII Additional Chief Metropolitan Magistrate at Hyderabad.

2. The petitioner herein is the accused No.1 in the said crime. The offences alleged against them are under Sections 328 and 188 of Indian Penal Code (for short "IPC") and Sections 4 and 20(2) read with 7(2) 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. Learned counsel for the petitioner submits that this case is squarely covered with the Common Order rendered by this Hon'ble

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Court in Criminal Petition No.3731 of 2018 and batch, dated 27.08.2018.

5. This Court had repeatedly quashed the proceedings wherein tobacco products were found on the ground that the provisions under Sections 328 and 188 of IPC and Sections 4 and 20(2) read with 7(2) of COTP Act are not attracted. This Court vide Criminal Petition No.3731 of 2018 and batch, dated 27.08.2018 had quashed the proceedings against the accused persons.

6. In the said circumstances, this Criminal Petition is allowed quashing the proceedings in C.C.No.1141 of 2020, pending on the file of XVII Additional Chief Metropolitan Magistrate at Hyderabad.

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

8. The copy of the common order passed by this Court in Criminal Petition No.3731 of 2018 and batch, dated 27.08.2018, shall form part of this order.

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

Sd/- N CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad
2. The Station House Officer, Jubilee Hills Police Station, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the state of Telangana at Hyderabad (OUT)
4. One CC to SRI. M. MAHMED KHAN, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:19/12/2022

ORDER

CRLP.No.9567 of 2022



ALLOWING THE CRIMINAL PETITION

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