

**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: 9798 OF 2022

Between:

Zaker Ali, S/o Mansab Ali, Age 47 yrs, Occ. Business, R/o. H.No.17-8-421/1/a, N A
B Chowni, Yakutpura, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of
Telangana
2. Nasrin Begum, Sub inspector of Police Reimbazar, Hyderabad.

...RESPONDENT/DEFACTO-COMPLAINANTS

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 C.C.No. 8820/2022 on the file of VIII Additional Chief Metropolitan Magistrate at Nampally Hyderabad on a report given by the Respondent No 2 the police. P.S. reimbazar Registered the Crime in FIR. No. 123/2022 u/s 272, 273, 328r/w 511 IPC, 20(2) COTPA on the file of VIII Additional Chief Metropolitan Magistrate at Nampally Hyderabad, against the petitioner.

I.A. NO: 2 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 petitioners in CC.NO 8820/2022 on the file of VIII Addl. Chief Metropolitan Magistrate at Nampally Hyderabad, on a report given by the Respondent No.2 the police: P.S. reimbazar Registered the Crime in FIR. No. 123/2022 u/s 272, 273, 328 r/w 511 IPC, 20(2) COTPA on the file of VIII Addl. Chief Metropolitan Magistrate at Nampally Hyderabad, against the petitioners.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohd. Fasiuddin, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9798 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.8820 of 2022, pending on the file of VIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

2. The petitioner herein is the accused in the said crime. The offences alleged against him are under Sections 272, 273 and 328 read with 511 of Indian Penal Code (for short 'IPC) and Section 20(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. 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.

5. Therefore, this Criminal Petition is allowed quashing the proceedings in C.C.No.8820 of 2022, pending on the file of VIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, in terms of the common order, dated 05.07.2021 passed by this Court in **Mohd. Jameel Ahmed (Supra)**.

6. 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.

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

¹ 2022 CriLJ 642.

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

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Sd/- N. SRIHARI
ASSISTANT REGISTRAR

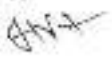

SECTION OFFICER

To,

1. The VIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad
2. The Station House Officer, Rein Bazar Police Station, Hyderabad
3. One CC to Md Fasiuddin, Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court of Telangana at Hyderabad(OUT)
5. Two CD Copies

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PR



HIGH COURT

DATED:19/12/2022

ORDER

CRLP.No.9798 of 2022



ALLOWING THE CRL.P.

8
10/2/23
HVS