

**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: 9908 OF 2022

Between:

1. Chukani shiv Kumar, S/o. chukani Maruthi, Aged about 25 years, Occ-Driver, R/o.1-188, siswa church, Markunda (V), Mannaekheli Bidar, Dist-Karnataka
...Accused-1
2. Noone venu Gopal, S/o.Late N.Shankariah, Age- 51 years, Occ- Business. R/o. 2-11-88, Near Muthyalamma Temple, Ashok Nagar, Chikkadpally, Hyderabad.
...Accused-2

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. The Sub-Inspector of Police, Begumpet Police Station, Hyderabad District.

...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 in CC NO. 1672 of 2022 on the file of XI Additional Chief Magistrate Magistrate at Secunderabad against the petitioners.

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 direct the respondents to release the stock seized along with Innova car KA 16M 3738 in CC NO. 1672 of 2022 On the File of XI Additional Chief Magistrate Magistrate at Secunderabad in favor of the Petitioner.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri BALA MURALI Y, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondents.

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9908 OF 2022**
ALONG WITH I.A.No.2 of 2022**COMMON ORDER:**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioners to quash the proceedings against them in C.C.No.1672 of 2022, pending on the file of XI Additional Chief Metropolitan Magistrate at Secunderabad.

2. The petitioners herein are the accused Nos.1 and 2 in the said crime. The offences alleged against them are under Sections 272, 273, 279 and 353 of Indian Penal Code (for short "IPC") and Section 59(i) of Food Safety and Standards Act, 2006 (for short 'FSS Act').

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

4. Learned counsel for the petitioners submits that this case is squarely covered with the Common Order rendered by this Hon'ble Court in Criminal Petition No.9062 of 2021 and batch, dated 14.07.2022.

5. This Court had repeatedly quashed the proceedings wherein tobacco products were found on the ground that the provisions under Sections 272, 273, 279 and 353 of IPC and Section 59(i) of FSS Act, are not attracted. This Court vide Criminal Petition No.9062 of 2021 and batch, dated 14.07.2022 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.1672 of 2022, pending on the file of XI Additional Chief Metropolitan Magistrate at Secunderabad.

7. As the proceedings in the aforesaid Criminal Petition are quashed against the petitioners, 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 petitioners are 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.9062 of 2021 and batch, dated 14.07.2022, 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 XI Additional Chief Metropolitan Magistrate at Secunderabad.
2. The Station House Officer, Begum Police Station
3. Two CCs to Additional Prosecutor, High Court for the State of Telangana, at Hyderabad [OJT]
4. One CC to SFI. BALA MURALI Y, Advocate [OPUC]
5. Two CD Copies

PSR

HIGH COURT

KS, J

DATED:19/12/2022

COMMON ORDER

CRLP.No.9908 of 2022
ALONG WITH IA NO. 2 OF 2022



ALLOWING OF THE CRIMINAL PETITION.

⑦
VLW
25/1/23