

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

**FRIDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No: 11289 OF 2022

ALONG WITH I.A.No.2 of 2022

Between:

1. Noor Mohammad, S/o Nazeer Mohamad, Aged about 45 Years, Occ-Business, R/o Lingapur Village, Gudihatnoor Mandal, Adilabad District.
2. Samil Ullah Khan @ Aslam, S/o Azmathulla Khan, Aged about 40 Years, Occ-Business, R/o Panjesha Mohalla, Adilabad Locality, Adilabad District.

...Petitioner/Accused No.1 & 2

AND

The State of Telangana, through S.H.O. Echoda Police Station, Adilabad District, rep. by Public Prosecutor, High Court, Hyderabad

...Respondents/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 proceeding against the petitioners/accused No. 1 and 2 in Crime. No. 212 of 2022 On the file of P.S. Echoda Police Station, Adilabad District, and consequently direct the police to return the seized material in Crime.No. 212 of 2022

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 police to return the seized material in Crime. No. 212 of 2022 On the file of P.S. Echoda Police Station, Adilabad District, to the petitioners, 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 Additional Public Prosecutor on behalf of the Respondent

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11289 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-accused Nos.1 and 2 to quash the proceedings in Cr.No.212 of 2022 on the file of Echoda Police Station, Adilabad District.

2. The petitioners herein are accused in the said case. The offences alleged against them are under Sections 273, 270, 420 of Indian Penal Code (for short "IPC) and Section 20(2) read with 7(1) 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 petitioners 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 against the petitioners in Cr.No.212 of 2022 on the file of Echoda Police Station, Adilabad District, in terms of the common order, dated 05.07.2021 passed by this Court in **Mohd. Jameel Ahmed (Supra)**.

6. As the proceedings in the aforesaid 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 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.

¹ 2022 CriLJ 642.

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

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

Sd/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Station House Officer, Echoda Police Station, Adilabad District.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
3. One CC to SRI GAJANAND CHAKRAVARTHI, Advocate [OPUC]
4. Two CD Copies

CDL



HIGH COURT

DATED:16/12/2022

COMMON ORDER

**CRLP.No.11289 of 2022
ALONG WITH I.A.No.2 of 2022**



THIS CRIMINAL PETITION IS ALLOWED.

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13/2/23
HVT