

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1811 OF 2023

Between:

Pola Veersh Kumar, S/o Krishna Rao, Aged about. 45 years, Occ. business,
R/o. 1-76, Upparigudem, Ibrahimpatnam, RR district, Telangana.

...PETITIONER/ACCUSED-1

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. The Sub-Inspector of Police, Chandrayangutta Police Station, Hyderabad City.

...RESPONDENT/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 in CC No.3974 of 2021 on the file of Hon'ble Chief Metropolitan Magistrate at Hyderabad in so far as the petitioner/A-1 is concerned and pass such other order or orders as this Hon'ble Court deems fit.

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 of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.R1 and R2 and of Sri_Advocate for the Respondent No.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1811 OF 2023****ORDER:**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/accused No.1 to quash the proceedings against him in C.C.No.3974 of 2021, pending on the file of Chief Metropolitan Magistrate at Hyderabad.

2. The petitioner herein is the accused No.1 in the said crime. The offences alleged against him are under Sections 188, 273 and 336 of Indian Penal Code (for short "IPC").

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 by 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 188, 273 and 336 of IPC, 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.3974 of 2021, pending on the file of Chief Metropolitan Magistrate at Hyderabad.

7. 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.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/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Metropolitan Magistrate at Hyderabad.
2. Two CCs to The Public Prosecutor, High Court for State of Telangana, At Hyderabad [OUT]
3. One CC to Sri. Bala Murali Y, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:22/02/2023

ORDER

CRLP.No.1811 of 2023



ALLOWING THE CRIMINAL PETITION

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10/3/23