

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

**TUESDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 7103 OF 2023

Between:

1. Rathod Ajay Kumar, S/o Thukaram, Occ. Business, R/o Ponkal Village, Jannaram Mandal, Mancherial District.
2. Sambari Pavan Kumar, S/o Sambari Sankaraiah, Occ. Business, R/o H.No. 53/1, Kishtapur, Jannaram, Adilabad District.

...Petitioner/Accused Nos.1 &2.

AND

The State of Telangana, through S.H.O. Raikal Police Station, Jagitial District, rep. by Public Prosecutor, High Court, 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 proceeding against the petitioners/accused in Crime. No. 166 of 2022 on the file of Raikal Police Station, Jagitial District, and consequently direct the police to return the seized material in Crime.No.166 of 2022.

I.A. NO: 2 OF 2023

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. 166 of 2022 on the file of Raikal Police Station, Jagitial District to the petitioner, 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, Public Prosecutor, on behalf of the Respondent

The Court made the following:

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.7103 OF 2023

ORDER:

This Criminal Petition is filed by accused Nos.1 and 2 under Section 482 of Code of the Criminal Procedure, 1973, to quash the proceedings in Crime No.166 of 2022, on the file of the Raikal Police Station, Jagtial District, registered for the offence under Sections 188, 270 and 273 of IPC and direct the police to return the seized material.

2. The nature of allegations in these offences related to selling/illegal possession of state government prohibited tobacco products.

3. Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the respondent-State and perused the record.

4. Perusal of the record would reveal that the *lis* involved in this batch of cases had already been dealt with by this Court extensively in ***Mohd. Jameel Ahmed Vs. State of Telangana***¹. This Court in the said judgment by relying on the various

¹ 2022 CrL.L.J. 642

decisions of the Supreme Court explained and interpreted the relevant provisions with which the petitioners herein stood charged. Following the said judgment, this Court had also disposed of similar matters vide common order dated 10.06.2022 in CrI.P.No.5619 of 2020 and batch. Thus, nothing remains further to be discussed in this case.

5. In view of the same, the proceedings against the petitioners in Crime No.166 of 2022 registered for the offence under Sections 188, 270 and 273 of IPC are liable to be quashed.

6. Accordingly, the Criminal Petition is disposed of and the proceedings against the petitioners/accused Nos.1 and 2 in Crime No.166 of 2022, on the file of the Raikal Police Station, Jagtial District, registered for the offences under Sections 188, 270 and 273 of IPC, are hereby quashed.

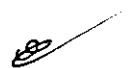
7. As the proceedings in the aforesaid criminal petition are quashed against the petitioners, the respective Station House Officer/Investigating Officer is directed to return the seized property on proper identification and verification under due acknowledgment. Further, it is made clear that if the seized stock of tobacco products or other products

are expired, the same shall be destroyed by taking permission from the concerned Magistrate.

As a sequel, miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

**SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

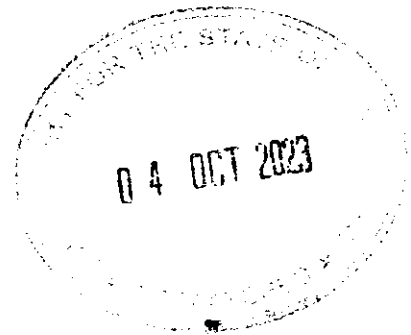
1. The First Additional Judicial Magistrate of First Class at Jagital.
2. The Station House Officer (S.H.O), Police Station Raikal, Jagital District.
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, Hyderabad.[OUT]
4. One CC to Sri GAJANAND CHAKRAVARTHI, Advocate [OPUC]
5. Two CD Copies

SP

BSR 

HIGH COURT

DATED: 01/08/2023



ORDER

CRLP.No.7103 of 2023

**CRIMINAL PETITION IS
DISPOSED OF**

⑧
MA
21/9/23