

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

THURSDAY ,THE NINTH DAY OF NOVEMBER

TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11045 OF 2023

Between:

Pola Laxmi Narsaiah,, S/o Musalaiah Aged about 59 years, Occ. Business, R/o H.No.4-11-404, Chaithanyapuri Colony, Nalgonda Town, Nalgonda District, Telangana.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. The Station House Officer,, Police Station, Nalgonda-1 town Nalgonda 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 be pleased to quash the proceedings in CC NO. 680 of 2021 On the file of Hon'ble Judicial First Class Magistrate at Nalgonda in so far as the petitioner/ Accused is concerned .

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 Public Prosecutor (TG/AP) on behalf of the Respondent No.1 NONE for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11045 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 to quash the proceedings in C.C.No.680 of 2021 pending on the file Judicial First Class Magistrate at Nalgonda, registered for the offences under Sections 272, 273 and 188 of the Indian Penal Code 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').

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. Perused the record.

3. 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 CrI.P. No.152 of 2020 and batch which was reported in **Mohd.**

Jameel Ahmed v. State of Telangana¹ and also vide common order dated 10.06.2022 in CrI.P.No.5619 of 2020 and batch.

4: Therefore, this Criminal Petitions is allowed quashing the proceedings in C.C.No.680 of 2021 pending on the file Judicial First Class Magistrate at Nalgonda, in terms of the common order, dated 05.07.2021 passed by this Court in **Mohd. Jameel Ahmed (Supra)** and also common order dated 10.06.2022 in CrI.P.No.5619 of 2020 and batch.

5. 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

¹ 2022 CriLJ 642.

shall be destroyed by taking permission from the concerned Magistrate.

6. The copy of the common orders passed by this Court in Crl.Petition No.152 of 2020 and batch on 05.07.2021 and also in Crl.Petition No.5619 of 2020 on 10.06.2022, shall form part of this order.

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

SD/- K.AMMAJI
ASSISTANT REGISTRAR

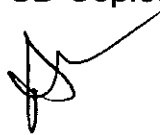
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SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Nalgonda.
2. The Station House Officer,, Police Station, Nalgonda-1 town Nalgonda District.
3. One CC to SRI. BALA MURALI Y Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies.

NS

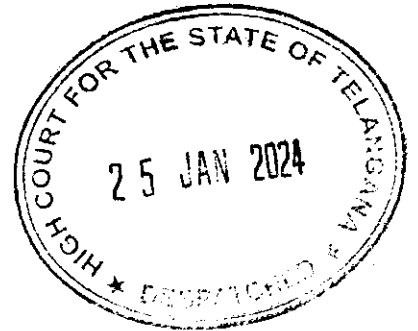


HIGH COURT

DATED:09/11/2023

ORDER

CRLP.No.11045 of 2023



DISPOSING OF THE CRIMINAL PETITION

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LEMA
25/1/2024