

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

**SATURDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 12380 OF 2023

Between:

Shaik Rasheed, S/o Chand, Aged about 50 Years, Occ. Business, R/o Mahalaxmi Wada, Adilabad.

...Petitioner/Accused No. 2

AND

The State of Telangana, through S.H.O. Bheempur Police Station, Adilabad 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 call for the records relating to case in C.C.No. 600 of 2020 On the file of Special PCR Mobile Court Cum Judicial First-Class Magistrate at Adilabad and quash the proceedings in the above C.C.No. 600 of 2020.

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 court below to return the seized material in C.C.No. 600 of 2020 On the file of Special PCR Mobile Court Cum Judicial First- Class Magistrate at Adilabad, pending disposal of the 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 Public Prosecutor (TG) on behalf of the Respondent No. 1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.12380 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.2 to quash the proceedings in C.C.No.600 of 2020 pending on the file of Special PCR Mobile Court - cum - Judicial First Class Magistrate at Adilabad, registered for the offences under Sections 270, 271 and 273 of the Indian Penal Code.

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 Telangana**¹ and also vide

¹ 2022 CriLJ 642.

common order dated 10.06.2022 in CrI.P.No.5619 of 2020 and batch.

4. Accordingly, this Criminal Petitions is allowed quashing the proceedings in C.C.No.600 of 2020 pending on the file of Special PCR Mobile Court - cum - Judicial First Class Magistrate at Adilabad, 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. 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.

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.

Miscellaneous applications pending, if any, in this criminal petition, shall stand closed.

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

//TRUE COPY//

SECTION OFFICER

To,

1. The Special PCR Mobile Court cum Judicial First-Class Magistrate at Adilabad.
2. The Station House Officer, Bheempur Police Station, Adilabad District.
3. One CC to SRI. GAJANAND CHAKRAVARTHI Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT].
5. Two CD Copies

SR/JAK

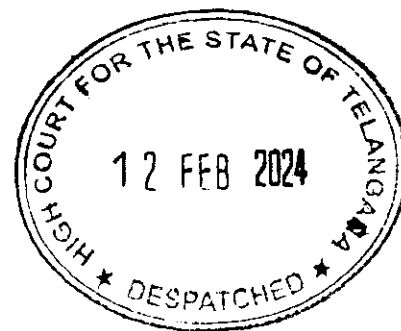
CHP

HIGH COURT

DATED:16/12/2023

ORDER

CRLP.No.12380 of 2023



CRIMINAL PETITION IS ALLOWED

⑧ CHR
31/01/24