

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

**FRIDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15703 OF 2025

Between:

Imran Ahmed, S/o Abdul Gaffar, Aged 39 years, Occ: Business, R/o 11-1-1194/1A, Afzal Sagar, Asif Nagar, Nampally, Hyderabad

...PETITIONER/ACCUSED

AND

1. The State of Telangana., Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Mr. G. V. Narsinga Rao, s/o not known to the petitioner, S.I. of Police, P.S. Mehdipatnam, Hyderabad.

...RESPONDENTS

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against the petitioner in F.I.R.No. 321 of 2025 on the file of P.S. Mehdipatnam, Hyderabad

I.A. NO: 3 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings including arrest of the petitioner in F.I.R.No.321 of 2025 on the file of P.S. Mehdipatnam, Hyderabad, pending disposal of the criminal petition

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to direct the respondent No.2 to release the property of the petitioner
1) Loose Mixed Baba Tobacco - 349 Packets (each 50 grams) 2) Original Baba Tobacco - 6 Kgs 3) Loose Duplicate Tobacco - 9 Kgs 4) Empty packets-10 5) Weighing machine - 01 6) Packing machine-01 Total Worth Rs. 82,000/- in favour of the petitioner

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHAMMED ASLAM, Advocate for the Petitioner and SRI. JITHENDER RAO VEERAMALLA, Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.15703 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused seeking to quash the proceedings against him in Crime No.321 of 2025 on the file of Mehdipatnam Police Station, Hyderabad District, registered for the alleged offence punishable under Section 318 (4) of Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Mohammed Aslam, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent.

3. Learned counsel for the petitioner submitted that the matter is squarely covered by the orders of this Hon'ble Court in Crl.P.Nos.12333 of 2024, 152 of 2020 and batch and in several other judgments. Hence, he prayed that the proceedings against the petitioner be quashed.

4. Learned Additional Public Prosecutor also submitted that the issue raised in the present criminal petition is covered by the earlier order passed in the aforementioned criminal petitions.

5. Perused the record. It is evident that the allegations in the present case pertain to purchase and sale of Gutka packets, which are similar to the allegations considered in **Chidurala Shyamsunder vs The State Of Telangana**¹. In the said case it was observed that the act of purchase and sale of gutka does not fall under Section 270 of IPC as it does not spread any infectious disease and further it is not a noxious food to attract the offence under Section 273 of IPC. It is further observed that similar orders have been passed in Cr.P.Nos.12333 of 2024, 152 of 2020 and batch, and in several other matters.

6. Since the allegations in the present case are similar to the above said decisions, this criminal petition is allowed in terms of the above said order. The proceedings against the petitioner/accused in Crime No.321 of 2025 on the file of Mehdiapatnam Police Station, Hyderabad District, are hereby quashed. Further, the Station House Officer/Investigating Officer is hereby directed to return the seized property on proper identification and verification under due acknowledgment.

¹ Cr.P.No.3731 of 2018 & batch, decided on 27.08.2018

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

SD/- T.SRINIVASAREDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional Chief Judicial Magistrate at Nampally, Hyderabad, Hyderabad District
2. The Station House Officer, Mehadipatnam Police Station, Mehadipatnam, Hyderabad District
3. One CC to SRI MOHAMMED ASLAM Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

VM/PSL

Fr

HIGH COURT

DATED: 28/11/2025

ORDER
CRLP.No.15703 of 2025



ALLOWING THE CRIMINAL PETITION

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