
(2021) 07 TEL CK 0059
In the Telangana High Court
Case No : Criminal Petition No. 5304 Of 2021

Naresh Erra

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 13-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 269, 270, 271, 272, 273, 328, 336, 420, 511

Citation : (2021) 07 TEL CK 0059

Hon'ble Judges : K. Lakshman, J

Bench : Single Bench

Advocate : Boggula Raju

Final Decision : Allowed

Judgement

1. This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in Crime No.106 of 2021 pending on the

file of Jannaram Police Station, Mancherla District (as per F.I.R., Ramagundam District). The petitioners herein are accused Nos.1 to 4 in the said

crime. The offences alleged against them are under Sections 270, 273 and 328 read with 511 of I.P.C.

2. Heard Boggula Raju, learned counsel for the petitioners, and the learned Assistant Public Prosecutor appearing on behalf of respondent - State.

3. This Court, by common order dated 05.07.2021 in CrI.P.No.152 of 2020 and batch, has extensively dealt with the issue covered in the present

criminal petition observing that transportation, possession, storage, sale and purchase of tobacco products are not totally banned in the State of

Telangana and, therefore, it cannot be said that offences under Sections - 269, 270, 271, 272 and 273, 328, 336 and 420 of IPC are attracted to the

petitioners therein. In the present case also, the allegations against the petitioners are that they are selling prohibited tobacco products and the contents of the complaint do not attract the ingredients of offences under Sections 270, 273 and 328 read with 511 of I.P.C and, therefore, the proceedings against the petitioners in the above crime are liable to be quashed.

4. The present Criminal Petition is accordingly allowed quashing the proceedings in Crime No.106 of 2021 pending on the file of Jannaram Police

Station, Ramagundam District (as per F.I.R., Ramagundam District) against the petitioners â?" accused Nos.1 to 4.

5. Since the proceedings are quashed against the petitioners in the above crime, the Station House Officer, Jannaram Police Station, is hereby directed

to return the seized property to the petitioners on proper identification and verification of ownership under due acknowledgment.

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