

HON'BLE SRI JUSTICE K.SURESH REDDY

CRIMINAL PETITION NO.4667 OF 2020

ORDER:-

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings in C.C.No.102 of 2018 on the file of the Court of Judicial Magistrate of First Class, Parchur, Prakasam District, against the petitioners/Accused Nos.1 to 3 in connection with Cr.No.24 of 2018 on the file of Inkollu Police Station. The alleged offences against the petitioners/Accused Nos.1 to 3 are under Sections. 273, 188 IPC, Sections.58, 59 and 63 of Food Safety Standards Act, 2006,

The learned counsel for the petitioners has placed a reliance on the common order, dated 18-12-2019, passed by a Coordinate Bench of this Court in Criminal Petition Nos.5421 of 2019 and batch, holding that "*tobacco*" does not fall within the definition of "*food*", as specified under Section 3(i)(j) of the Act, therefore, registration of F.I.R is not permissible. Reliance has also been placed on the common order, dated 05-03-2020, passed by another Coordinate Bench of this Court in Criminal Petition Nos.5103 of 2019 and batch, quashing the F.I.Rs., therein. In view of the aforesaid, it is urged that to quash the proceedings in C.C.No.243 of 2019.

On the other hand, though the learned Public Prosecutor opposed the relief prayed for, but, he is not in a position to dispute the fact that various petitions filed before this Court under Section 482 Cr.P.C. have been allowed and F.I.Rs., have

been quashed on the basis of the analogy has put forth by the petitioners before this Court.

Considering the aforesaid and looking to the undisputed fact that previously, F.I.Rs., have been quashed by this Court in similar matters, however, registration of F.I.R and proceeding with trial is wholly undesirable.

In that view of the matter, this Criminal Petition is allowed and all further proceedings in C.C.No.102 of 2018 on the file of the Court of Judicial Magistrate of First Class, Parchur, Prakasam District are hereby quashed; consequently no further action is necessary in the facts of the case.

Miscellaneous Petitions pending, if any, shall stand closed in consequence.

21st OCTOBER, 2020
TSNR

K.SURESH REDDY,J