

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CRIMINAL PETITION No.3238 of 2021**

**ORDER:-**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is filed seeking quash of F.I.R in Crime No.112 of 2021 of Gangavaram Police Station, Chittoor District.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent/State.

A case under Sections 270, 273 r/w 34 IPC, 34(a) of the A.P.Excise Act, 3 of the Epidemic Diseases Act, 1897 and under Sections 24(1) r/w 27 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'), was registered against the petitioners and it is now under investigation. Learned counsel for the petitioners would submit that in view of the earlier orders passed by this Court quashing the F.I.R relating to offences under Sections 188 and 273 IPC and Sections 7,20 and 22 of the COTP Act based on similar facts, the petitioners, who are similarly placed, are also entitled for quash of F.I.R relating to the said offences. Therefore, he prayed to quash the F.I.R relating to the said offences.

Learned Additional Public Prosecutor fairly concedes that this Court has earlier quashed F.I.Rs relating to the said offences and thereby prayed to pass appropriate orders accordingly in this Criminal Petition.

Therefore, in view of the earlier orders passed by this Court in Criminal Petition No.3731 of 2018 and batch and Criminal Petition No.2705 of 2021, this Criminal Petition is partly allowed in terms of the said orders, quashing the F.I.R for the offences punishable under Sections 270, 273 r/w 34 IPC and under Sections 24(1) r/w 27 of the COTP Act. However, the Investigating Officer is at liberty to proceed with the investigation against the petitioners for the offences punishable under Section 34(a) of the A.P.Excise Act and under Section 3 of the Epidemic Diseases Act, 1897.

Miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date: 17.06.2021  
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