

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY



CRIMINAL PETITION NO: 5215 OF 2023

Between:

1. Bala Sanjeevarayudu Badiginchela @ Pullaiah, Aged 50 years, S/o. Sanjanna, R/o 4/484, Shanthinagar, Yerraguntla Town, YSR Kadapa District, Andhra Pradesh.
2. Venkataramudu Dasannagiri @ Ramaiah, S/o Naryana, Aged 51 years R/o 5/158, Nethaji Nagar, Kanneluru Village, Jammalamadugu Mandal, YSR Kadapa District, Andhra Pradesh.
3. Sivasankar Giddaluru, S/o Thosalaiah, Aged 44 years, R/o 26/129-3, Kanneluru, Jammalamadugu Mandal, YSR Kadapa District, Andhra Pradesh.
4. Suryanarayana Royal Jada, S/o Narasimhulu, Aged 47 years, R/o 2/105, Muddanuru Road, Jammalamadugu, YSR Kadapa, Andhra Pradesh.
5. Kotta Subramanya Prasad, S/o Satyanarayana, aged 45 years, R/o 402, Challas Bommarillu, Eenadu Colony, Vivekananda Nagar, Kukatpally.

...Petitioners (A1 to A5)

AND

1. The State of Andhra Pradesh, Rep. By it Public Prosecutor, High Court of A.P., Amaravati, Guntur District.
2. The SHO, Proddatur II Town P. S, YSR Kadapa District.

...Respondents/Respondents

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 quash the proceedings in CC No.31 of 2022 on the file of 1st Additional Judicial Magistrate of First Class, Proddatur, YSR Kadapa District for the offences u/s 270,273 IPC and sections 5(1) and 20(2) of Cigarette and Other Tobacco Products Act 2003.

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 stay all further proceedings in CC No.31 of 2022 on the file of 1st Additional Judicial Magistrate of First Class, Proddatur, YSR Kadapa District for the offenses u/s 270,273 IPC and sections 5(1) and 20(2) of Cigarette and other Tobacco Products Act 2003, pending disposal of the main criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Alladi Radha Krishna, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.5215 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioners/A-1 to A-5, to quash the proceedings in CC No.31 of 2022 on the file of the learned I Additional Judicial Magistrate of First Class, Proddutur, YSR Kadapa District, registered for the offences punishable under Sections 270, 273 IPC and Sections 5 & 20(2) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

2. Today, when the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners and admitted to by the learned Assistant Public Prosecutor that the subject matter of this Criminal Petition is squarely covered by the common order passed by this Court in Criminal Petition No.2966 of 2021 and batch, dated 28.12.2021, wherein this Court held thus.

"Criminal Petition Nos.3555, 3671, 3725, 4062 and 4064 of 2021 are partly allowed quashing the FIRs (shown in Table-III) registered for the offences punishable under the provisions of the IPC, FSS Act and COPTA alone. The Investigating officers shall proceed with the investigation in relation to the offences

punishable under the provisions of NDPS Act relating to the FIRs shown in Table-III."

3. Hence, following the said order passed by this Court in Criminal Petition No.2966 of 2021 and batch, dated 28.12.2021, and for the reasons mentioned therein, this Criminal Petition is allowed quashing the proceedings in CC No.31 of 2022 on the file of the learned I Additional Judicial Magistrate of First Class, Proddatur, YSR Kadapa District, against the petitioners herein/A-1 to A-5 for the offences punishable under the provisions of the IPC and COTPA Act.

4. As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

**SD/- M SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

CA
SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class, Proddatur, YSR Kadapa District.
2. The Station House Officer, Proddatur II Town P.S., YSR Kadapa District.
3. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravathi [OUT]
4. One CC to Sri Alladi Radha Krishna, Advocate [OPUC]
5. Two CD Copies

sree

Pheri

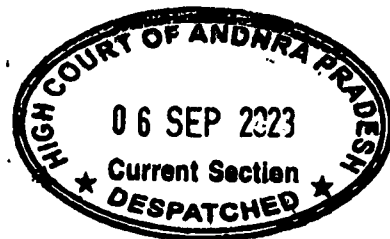
HIGH COURT

DATED:25/07/2023

ORDER

CRLP.No.5215 of 2023

*7 copies
Plaid 5/9*



ALLOWING THE CRIMINAL PETITION