

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P. No.8783 OF 2017
AND
Crl.P. No.11516 OF 2017

COMMON ORDER:

Criminal Petition No.11516 of 2017 is filed by A1 and Criminal Petition No.8783 of 2017 is filed by A2 to A4 to quash the proceedings in C.C.No.101 of 2017 on the file of Judicial Magistrate of First Class at Ichapuram, Srikakulam District, registered for the offences punishable under Sections 270, 273 IPC and Sections 54 and 59(1) of the Food Safety Standards Act, 2006.

Criminal Petition No.6008 of 2018 filed by A5 was allowed on 28.06.2018 quashing the proceedings in C.C.No.101 of 2017. The only variation is between the petitioners and A5 is that A1 to A4 are dealing with chewing tobacco and khainee and found transporting the same. A4 is the driver engaged to drive one of the vehicle. In the entire charge sheet, there is nothing that they are selling chewing tobacco or khaini to attract the offence punishable under Section 273 IPC. Even if the transportation is an act done by any of the accused, transportation would not spread any infection or deacease endanger to life any person. Therefore, it would not attract Sections 270 or 273 IPC. For the other offences punishable under Sections 54 and 59(1) of the Food Safety Standards Act, 2006, the local police are incompetent, but only Food Safety Officer is competent under Section 58 of the Food Safety Standards Act to investigate into the offence and file complaint before the concerned Magistrate having jurisdiction. The proceedings against A5 were already quashed, these petitioners are also placed on similar lines and consequently, the proceedings are liable to be quashed.

Accordingly, the criminal petitions are allowed quashing the proceedings in C.C.No.101 of 2017, pending on the file of Judicial Magistrate of First Class, Ichapuram, Srikakulam District against A1 to A4.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

29.06.2018
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