

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

Criminal Petition Nos.6204 of 2019 and 2961 of 2020

COMMON ORDER:-

These criminal petitions are filed under Section 482 of Cr.P.C seeking quash of the criminal proceedings initiated against the petitioners herein for the offences punishable under Sections 188, 270, 273, 328 of I.P.C and Section 59 of the Food Safety & Standards Act, 2006 (for short, 'the FSS Act') and Sections 5 & 20(2) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

Heard learned counsel for the petitioners and the learned Additional Public Prosecutor.

When these matters are taken up for hearing, both the learned counsel for the petitioners in these petitions and the learned Additional Public Prosecutor would submit that these matters are squarely covered by earlier decisions of this Court, whereunder this Court has quashed the criminal proceedings initiated on similar set of facts for the similar offences against the petitioners therein on the ground that the prosecution is not maintainable under law and the Tobacco products would not fall within the definition of 'food' as defined under Section 3(j) of FSS Act. Therefore, they would submit that the petitioners, who are facing prosecution in these cases on similar set of facts for the similar offences, are similarly placed and that they are also

entitled for quash of the proceedings initiated against them. They have also produced a copy of the earlier common order passed by this Court in CrI.P.No.5421 of 2019 and batch whereunder this Court, after elaborately discussing regarding the law on the subject, held that criminal proceedings initiated against the petitioners therein for the aforesaid offences are not maintainable under law and thereby quashed the proceedings in the said case. Therefore, the petitioners herein, who are also facing the prosecution for the same offences on the basis of similar set of facts are similarly placed as rightly contended by learned counsel for the petitioners and they are also entitled for quash of the criminal proceedings initiated against them.

In the result, in view of the earlier order passed by this Court, both the Criminal Petitions are allowed and the criminal proceedings launched against the petitioners in the crimes registered against them in these two petitions are also hereby quashed.

Pending miscellaneous petitions, if any, shall stand closed.

CHEEKATI MANAVENDRANATH ROY, J

31.07.2020

Vjl

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Date :31.07.2020

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