

**THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO**

**CRIMINAL PETITION No.2740 OF 2021**

**ORDER:-**

A Crime in F.I.R No.466 of 2020 has been registered in Pedakakani Police Station, Guntur Urban, Guntur District against the petitioner under Section 420 IPC and Section 20 (1) read with 7(2) of the Cigarettes and Other Tobacco Products Act on the ground that the petitioner was caught storing tobacco and tobacco products.

2. The cases are being booked against persons, who are found to be either storing or transporting tobacco and tobacco products in the State of Andhra Pradesh. Persons, who are facing such cases, have been approaching this Court for relief.

3. In CrI.P.No.5421 of 2019 and batch dated 18.12.2019, a learned Single Judge of this Court had held that tobacco does not fall within the definitions of "food" and as such, registration of Crime under the Food Safety and Standards Act, 2006 is not permissible.

4. In CrI.P.No.3731 of 2018 and batch dated 27.08.2018, a learned Single Judge of this Court had held the police would not have jurisdiction to initiate or investigate any offences punishable under the provision of the Food Safety and Standards Act, 2006. A learned Single Judge had also held that transport or storage of tobacco and tobacco products would not constitute an offence punishable under Sections 270 to 273 of IPC.

5. Section 7 (3) of the Cigarettes and Other Tobacco Products Act states that import of cigarettes and tobacco products into India for distribution and supply without warning is a punishable offence. In the present case, this provision is not attracted that the allegation is that he is selling tobacco products, which are said to be banned.

6. Section 20(1) of the Cigarettes and Other Tobacco Products Act again seeks to punish a person, who produces or manufactures cigarettes or tobacco products without specified warning and without giving the nicotine and tar contents of the products. In the present case, the allegation against the petitioner is that he had purchased the tobacco products for the purpose of resale. Evidently, this provision is also not attracted.

7. In view of the aforesaid findings which are being consistently followed by this Court, this Criminal Petition is allowed quashing the F.I.R No.466 of 2020 in Pedakakani Police Station, Guntur Urban, Guntur District against the petitioner.

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

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**JUSTICE R.RAGHUNANDAN RAO**

Date : 30.04.2021.

SPP

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