

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.5560 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the Petitioner/accused, to quash the proceedings in CC No.843 of 2019 on the file of the learned 1st Additional Junior Civil Judge, Narasaraopet, registered for the offences punishable under Sections 188, 420, 273 IPC and Sections 58, 59 and 63 of the Food Safety and Standards Act, 2006.

2. Today, when the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner, 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.5421 of 2019 and batch, dated 18.12.2019, wherein this Court held thus.

"But as far as the present cases are concerned, this Court by exercising the power under Section 482 Cr.P.C and following the mandate of the Hon'ble Supreme Court of India in State of Haryana V. Bhajan lal and the judgment of the High Court of Allahabad in M/s.Pepsico India Holdings (Pvt) Ltd., and another, is constrained to hold that all the FIRs/cases that have been registered under the provisions of the IPC, FSS Act and the COTPA Act are quashed, leaving it open to them, if they so desire to pursue the prosecution in respect of

the offence under the other enactments, if any. The offences under the NDPS Act can be pursued. The offences under the COTPA Act, can only be launched if the police find that the sections 5, 6, 7 and 10 are not complied with. Except on these very limited grounds genuine/legitimate traders cannot be prosecuted.”

3. Following the said order passed by this Court in Criminal Petition No.5421 of 2019 and batch, dated 18.12.2019, and for the reasons mentioned therein, this Criminal Petition is allowed quashing the proceedings in CC No.843 of 2019 on the file of the learned 1st Additional Junior Civil Judge, Narasaraopet, against the petitioner herein/accused for the offences punishable under the provisions of the IPC and FSS Act.

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

K. SREENIVASA REDDY, J.

Date:02.08.2023

Note:

Office to attach copy of order
in Criminal Petition No.5421 of 2019 and batch,
dated 18.12.2019, to this order.

(B/O)

Asr

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