



THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 14053 OF 2025

Between:

1. Athkuri Nageshwar Rao,, S/o veera Raghavulu, Aged.44Years,Occ. Business, R/o Thallaveerappagudem (V), Damaracherla Mandal Nalgonda Nalgonda district
2. Akuthota Narsimha, S/o. Laxmaiah, Aged.48years,occ.Business, R/o.H.no.8-20, Seetharampruam colony, Miryalaguda Town, Nalgonda Dist
3. Gajbinkar Laxminarayana alias babu, s/o. Narsimha, aged.35 years, occ Business R/o.H.no.6-190 of shabu Nagar, Miryalaguda Town, Nalgonda Dist

...PETITIONER/ACCUSED NO. 1 TO 3

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana At Hyderabad
2. The Sub Inspector of Police,, Wadapally Police Station. Nalgonda District

...RESPONDENT/COMPLAINANT

Petition under Section 528 of BNSS 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 C.O NO. 1353 of 2021 On the file of II ADDL. Junior Civil Judge Cum II ADDL. Judicial First Class Magistrate at Miryalguda, Nalgonda District for the offences punishable under Sections 188,272,273 IPC, 20(2) COTPA. against the Petitioners

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri BALA MURALI Y ,Advocate for the Petitioner and Mr V.Jithender Rao Additional Public Prosecutor on behalf of the Respondent No1 and 2.

The Court made the following: ORDER



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THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.14053 of 2025

ORDER:

This Criminal Petition is filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings against them in C.C.No.1353 of 2021 on the file of II Additional Junior Civil Judge-cum-II Additional Judicial First Class Magistrate at Miryalguda, Nalgonda District, registered for the alleged offences punishable under Sections 188, 272 and 273 of Indian Penal Code, 1860 (for short 'IPC') and Section 20 (2) of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short 'COTPA').

2. Heard Mr.Y.Bala Murali, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondents.

3. Learned counsel for the petitioners submitted that the matter is squarely covered by the orders of this Hon'ble Court in CrI.P.Nos.12333 of 2024, 152 of 2020 and batch and in several



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other judgments. Hence, he prayed that the proceedings against the petitioners be quashed.

4. Learned Additional Public Prosecutor also submitted that the issue raised in the present criminal petition is covered by the earlier order passed in the aforementioned criminal petitions.

5. Perused the record. It is evident that the allegations in the present case pertain to purchase and sale of Gutka packets, which are similar to the allegations considered in **Chidurala Shyamsunder vs The State Of Telangana**¹. In the said case it was observed that the act of purchase and sale of gutka does not fall under Section 270 of IPC as it does not spread any infectious disease and further it is not a noxious food to attract the offence under Section 273 of IPC. It is further observed that similar orders have been passed in Crl.P.Nos.12333 of 2024, 152 of 2020 and batch, and in several other matters.

6. Since the allegations in the present case are similar to the above said decisions, this criminal petition is allowed in terms of the above said order. The proceedings against the petitioners/accused Nos.1 to 3 in C.C.No.1353 of 2021 on the file

¹ Crl.P.No.3731 of 2018 & batch, decided on 27.08.2018



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ETD, J
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of II Additional Junior Civil Judge-cum-II Additional Judicial First Class Magistrate at Miryalguda, Nalgonda District, are hereby quashed. Further, the Station House Officer/Investigating Officer is hereby directed to return the seized property on proper identification and verification under due acknowledgment.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/- A.PRATHIMA
DEPUTY REGISTRAR

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SECTION OFFICER

To,

1. The II ADDL. Junior Civil Judge Cum II ADDL. Judicial First Class Magistrate at Miryalguda, Nalgonda District
2. The Station House Officer, Police Station wadapalli , Nalgonda District
3. One CC to SRI. BALA MURALI Y Advocate [OPUC]
4. Two CC to SRI. PUBLIC PROSECUTOR High court for the state of Telangana at Hyderabad [OUT]
5. Two CD Copies

AG/PSL



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HIGH COURT

DATED:30/10/2025

ORDER

CRLP.No.14053 of 2025



CRLP IS ALLOWED

⑧ kpl
6/11/25