

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.1437 OF 2015**

Santosh Vishnu Chopade & Anr. .. Petitioners

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. P.A. Pol with Sharad S. Suryawanshi i/b Pol Legal Juris for the  
petitioners

Mr. S.K. Shinde, PP a/w Mrs. S.V. Sonawane APP for the State

**CORAM: RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.**

**DATED: 29<sup>th</sup> APRIL, 2015.**

**PC.**

1. Heard Mr. Pol, learned Counsel for the petitioners and Mrs. Sonawane, learned APP for the State. This petition is filed under Article 226 of the Constitution of India for quashing the proceedings of the FIR No.338 of 2014 registered with Sakinaka Police Station, Mumbai against the petitioners. The said FIR is filed at the instance of respondent no.3 - Rationing Inspector for the offences punishable under Sections 420, 406 r/w 34 of the IPC, Sections 3, 7, 8, 10(a) and 10 (aa) of the Essential

Commodities Act, Clauses 3, 3(a) and 5 of the Maharashtra Foodgrains Rationing (Second) Order, 1966, Clauses 3 and 6 of the Bombay Rationing Area Commodities (Regulation of Distribution) Order, 1986, Clauses 3(2), 4(i)(c), 4(2), 5 and 6 of Kerosene (Restriction on Use) and Fixation of Selling Price Order, 1993, and Section 20 of the National Food Security Act, 2013.

2. We have perused the FIR, copy of which is annexed at Exh.A to the petition. The FIR *prima-facie* discloses commission of cognizable offence.

3. Mr. Pol, learned Counsel for the petitioners further submits that the material collected by the Investigating Officer, does show that the complaint is false. If that be so, the Police shall file appropriate report before the concerned Magistrate, independently without being influenced by this order. The investigation is at primary stage. In exercise of the jurisdiction under Section 482 of the Cr.PC., it is not possible to quash the subject FIR.

4. The Writ Petition dismissed accordingly.

**(ANUJA PRABHUDESSAI, J.)**

**( RANJIT MORE, J.)**