

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

WRIT PETITION NO.2755 OF 2013

Mr. Bharat Premjibhai Thakkar & Ors. ...Petitioners
vs.
State of Maharashtra ...Respondent

Mr. P. A. Pol a/w Mr. Sharad Suryawanshi, Mr. Rajesh Darvesh, Mr. Ranjit Hatkar, Mr. Shamsundar Bhardwaj i/b M/s Pol Legal Jurist for the Petitioners.
Smt. S. V. Sonawane, APP for the State/Respondent

**CORAM : A.S.OKA AND
ANUJA PRABHUDESSAI,JJ.
DATE : 7th FEBRUARY 2017.**

P.C.:

. The order dated 12th January 2017 read thus:

- “1. *The submission of the learned counsel appearing for the petitioners is that the person who lodged the FIR is not a public servant as defined in Section 21 of the Indian Penal Code and therefore, he was no authorized to file First Information Report. He seeks time to satisfy the Court on this aspect. We make it clear that this is the only aspect which is required to be considered in this Petition.(underline added)*
2. *Place the Petition under the caption of “Fresh Admission” on 7th February, 2017.”*

2. The prayer is for quashing the First Information Report registered for the offences punishable under sections 3, 7, 8, 9 and 10 of the Essential Commodities Act 1955 on the ground of the violation of various provisions of Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000.

3. The First Information Report is registered at the instance of the first informant who was a Rationing Inspector under the employment of the State Government. Apart from the fact that

normally, any person aggrieved can set criminal law in motion, the Rationing Inspector is a public servant within the meaning of section 21 of the Indian Penal Code. Hence, there is no substance in the only challenge in the Petition which is recorded in the order dated 12th January 2017. Hence, the Petition is rejected.

4. We have not made any adjudication on the merits of the allegations made in the FIR.

(ANUJA PRABHUDESSAI,J)

(A.S.OKA,J.)