

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**926 CRIMINAL APPLICATION NO. 303 OF 2009
WITH
CRIMINAL APPLICATION NO. 5635 OF 2012
IN
CRIMINAL APPLICATION NO. 303 OF 2009**

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| <ol style="list-style-type: none"> 1. Padmakar s/o Haribhau Mule,
Age:63 years, Occu: Agriculturist &
Businessman,
R/o: Gangamai Industries & Constructions
Ltd., Hari Nagar, Post – Ghatnandra, Tq.
Sillod, Dist. Aurangabad - 431113. 2. Ambadas s/o Laxman More,
Age – 52 years, Occ. Service,
R/o As above. 3. Ranjit s/o Padmakar Mule,
Age – 34 years, Occ. Agriculturist,
R/o as above. | <p>...</p> | <p>Applicants
(Orig. Accused)</p> |
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VERSUS

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| <ol style="list-style-type: none"> 1. The State of Maharashtra,
through the Superintendent of Police
(Rural), Aurangabad, Dist. Aurangabad. <p>(Copy to be served on Public Prosecutor,
High Court of Judicature of Bombay,
Bench at Aurangabad.)</p>
<ol style="list-style-type: none"> 2. The Police Inspector,
Police Station (Rural), Sillod,
Tq. Sillod, Dist. Aurangabad. | <p>...</p> | <p>Respondent
(Orig. Complainant)</p> |
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Advocate for Applicants : Mr. P. R. Patil and A. V. Joshi
APP for Respondent - State: Mr. R. V. Dasalkar
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**CORAM : T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 17th July, 2018

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.
2. The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of the FIR No. 16/2008 registered with Sillod Rural Police Station District Aurangabad for the offence punishable under Section 3(3), 7 and 10 of the Essential Commodities Act 1955.
3. Heard the learned counsel for the applicant and the learned APP for the State. Nobody is present for respondent - first informant.
4. The First Information Report was given by Special Auditor and he had made an allegation that for the seasons 2007-08, Gangamai Industries & Constructions Ltd., Ghatnandra, Tq. Sillod, Dist. Aurangabad, Sugar Factory had not paid minimum sugarcane price in respect of sugar to the farmers and whereby, it had committed the aforesaid offence. The FIR was given on 14.08.2008. It appears that Writ Petition No. 2009/2010 was filed by the Sugar Factory in this Court. By the decision dated 10.03.2011, this Court

set aside the order made by the Commissioner for Sugar and Additional Registrar, Co-operative Societies, in which it was observed that the minimum statutory price was not given by the sugar factory to the farmers. This Court had directed fresh inquiry in the matter. Accordingly, the Commissioner made fresh inquiry and by order dated 12.01.2012 held that minimum sugar price was given by the sugar factory to the farmers. This order has become final as the FIR was given on the basis of the order made by the Commissioner Sugar and as there is finding of aforesaid nature, the further proceedings have become meaningless.

5. In the result, the petition is allowed. Relief is granted in terms of prayer clause (A).
6. The other application bearing No. 5635/2012 stand disposed of.
7. Rule made absolute in the aforesaid terms.

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)