



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 CRIMINAL APPLICATION NO.505 OF 2024

- 1 Shaikh Rajjak Shaikh Habib,
Age 43 yrs., Occ. Business,
- 2 Shaikh Ahmad Shaikh Habib,
Age 32 yrs., Occ. Business,

Both are r/o Samta Nagar,
Bhokar, Tq. Bhokar,
Dist. Nanded.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Police Inspector,
Police Station, Bhokar,
Tq. Bhokar, Dist. Nanded.
- 2 Digambar Pandurang Patil,
Age 34 yrs., Occ. Police Sub Inspector,
Police Station, Bhokar,
Tq. Bhokar, Dist. Nanded.

... Respondents

...

Mr. A.R. Borulkar, Advocate for applicants

Mr. G.A. Kulkarni, APP for respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 04th SEPTEMBER, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashing First Information Report vide Crime No.418/2023 dated 14.12.2023 registered with Police Station, Bhokar, Tq. Bhokar, Dist. Nanded, for the offence punishable under Sections 328, 272, 273, 188 of the Indian Penal Code, 1860 and under Sections 26(2), 27, 23, 30(2)(a), 59(iv) of the Food Safety and Standards Act, 2006 and later on by way of amendment for quashing the proceedings in Sessions Case No.2/2025 pending before learned Additional Sessions Judge, Bhokar, Tq. Bhokar, Dist. Nanded.

2 Heard learned Advocate Mr. A.R. Borulkar for applicants and learned APP Mr. G.A. Kulkarni for respondent No.1. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of First Information Report and charge sheet would show that First Information Report has been lodged by Police Sub Inspector Mr. Digambar Pandurang Patil attached to Police Station, Bhokar, Tq. Bhokar, Dist. Nanded. He states that he had received secret information on 14.12.2023 that one person is transporting Gutkha (the banned food article)

on a Luna bearing registration No. MH 26/BW-5087 on Samta Nagar to Mudkhed 'T' point road. Accordingly, he along with police staff and panch witnesses intercepted the said person coming on Luna. He disclosed his name as Shaikh Arbaj Shaikh Latif. Search of the vehicle was taken, wherein scented tobacco bags of different companies having small sachets were found. Inquiry was made. He told that said bags are belonging to present applicants. Thereafter, present First Information Report has been lodged. Here, it is to be noted that though First Information Report is against said Shaikh Arbaj Shaikh Latif and present applicants, but the name of present applicants are stated to have been stated by the co-accused only, which is inadmissible. There is no *prima facie* evidence on record to connect present applicants with the crime. The entire charge sheet does not show any transaction between the applicants and co-accused. Under such circumstance, with such material collected in investigation it would be unjust to ask the applicants to face the trial. Therefore, case is made out for exercise of inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- i) Criminal Application stands allowed.

ii) The proceedings in Sessions Case No.2/2025 pending before learned Additional Sessions Judge, Bhokar, Tq. Bhokar, Dist. Nanded arising out of First Information Report vide Crime No.418/2023 dated 14.12.2023 registered with Police Station, Bhokar, Tq. Bhokar, Dist. Nanded, for the offence punishable under Sections 328, 272, 273, 188 of the Indian Penal Code, 1860 and under Sections 26(2), 27, 23, 30(2)(a), 59(iv) of the Food Safety and Standards Act, 2006, stands quashed and set aside as against applicants 1) **Shaikh Rajjak Shaikh Habib** and 2) **Shaikh Ahmad Shaikh Habib**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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