



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

64 CRIMINAL APPLICATION NO.797 OF 2025

Siddiqui Imranoddin Khamroddin,  
Age 37 yrs., Occ. Agri.,  
R/o Siddiqui Colony, Majalgaon,  
Tq. Majalgaon, Dist. Beed.

... Applicant

... **Versus** ...

- 1 The State of Maharashtra  
Through Police Inspector,  
Rural Police Station, Majalgaon,  
Tq. Majalgaon, Dist. Beed.
- 2 Babasaheb Rangnath Bangar,  
Age 48 yrs., Occ. Police Constable (B.No.39),  
R/o Office of Sub Divisional Police Officer,  
Kaij, Tq. Kaij, Dist. Beed.

... Respondents

...

Mr. S.S. Solanke, Advocate for applicant

Mr. A.D. Wange, APP for respondent Nos.1 and 2

...

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

DATE : 04<sup>th</sup> SEPTEMBER, 2025

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

1            Present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the proceedings in Regular Criminal Case No.4/2023 pending before learned Judicial Magistrate First Class, Majalgaon, Tq. Majalgaon, Dist. Beed, arising out of First Information Report vide Crime No.56/2022 dated 30.03.2022 registered with Rural Police Station, Majalgaon, Tq. Majalgaon, Dist. Beed, for the offence punishable under Sections 328, 272, 273 read with Section 34 of the Indian Penal Code, 1860

2            Heard learned Advocate Mr. S.S. Solanke for applicant and learned APP Mr. A.D. Wange for respondent Nos.1 and 2. 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 Constable Mr. Babasaheb Rangnath Bangar attached to office of Sub Divisional Police Officer, Kaij, Tq. Kaik, Dist. Beed. He states that Assistant Superintendent of Police, Sub Division, Kaij Mr. Pankaj Kumawat told that Superintendent of

Police, Beed has received a secret information on 30.03.2022 that one person by name Momin Babu @ Shafik Abdul Masjid has kept Gutkha (the banned food article) for sale in a tin shed near his residential house at Pathrud, Tq. Majalgaon, Dist. Beed. Accordingly, he along with police staff and panch witnesses effected raid at the said place at 4.30 p.m. on the same day and found one person by name Momin Babu @ Shafik Abdul Masjid in possession of scented tobacco bags of different companies having small sachets. Inquiry was made. He told that he himself, present applicant and other co-accused do the business of sale of Gutkha and they purchase the Gutkha from Karnataka with the help of Altaf Pathan and Rauf Lala. Thereafter, present First Information Report has been lodged. Here, it is to be noted that though First Information Report is against said Momin Babu @ Shafik Abdul Masjid, other co-accused persons and present applicant, but the name of present applicant is stated to have been stated by the co-accused only, which is inadmissible. There is no *prima facie* evidence on record to connect present applicant with the crime. The entire charge sheet does not show any transaction between the applicant and other co-accused persons. Under such circumstance, with such material collected in investigation it would be unjust to ask the applicant to face the trial. Therefore, case is made out for exercise of inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, following order.

**ORDER**

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.4/2023 pending before learned Judicial Magistrate First Class, Majalgaon, Tq. Majalgaon, Dist. Beed, arising out of First Information Report vide Crime No.56/2022 dated 30.03.2022 registered with Rural Police Station, Majalgaon, Tq. Majalgaon, Dist. Beed, for the offence punishable under Sections 328, 272, 273 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicant viz. **Siddiqui Imranoddin Khamroddin.**

( HITEN S. VENEGAVKAR, J. )

( SMT. VIBHA KANKANWADI, J. )

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