



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

67 CRIMINAL APPLICATION NO.1268 OF 2025

- 1 Trimbak Anantrao Raut @ Dukre,  
Age 35 yrs., Occ. Agri.,  
R/o Manur, Tq. Majalgaon,  
Dist. Beed.
- 2 Amjad Ahemad Tamboli,  
Age 33 yrs., Occ. Business,  
R/o Kaikadi Galli, Majalgaon,  
Tq. Majalgaon, Dist. Beed.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra  
Through Police Inspector,  
Rural Police Station, Majalgaon,  
Tq. Majalgaon, Dist. Beed.
- 2 Sachin Suresh Siddheshwar,  
Age 38 yrs., Occ. Service,  
R/o office of Additional Superintendent  
of Police, Ambajogai,  
Tq. Ambajogai, Dist. Beed.

... Respondents

...

Mr. S.S. Solanke, Advocate for applicants

Mr. V.K. Kotecha, 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 initially for quashment of First Information Report vide Crime No.274/2024 dated 15.10.2024 registered with Rural Police Station, Majalgaon, Tq. Majalgaon, Dist. Beed, for the offence punishable under Sections 123, 223, 274, 275 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 and later on by way of amendment for quashing the proceedings in Regular Criminal Case No.154/2025 pending before learned Judicial Magistrate First Class, Majalgaon.

2 Heard learned Advocate Mr. S.S. Solanke for applicants and learned APP Mr. V.K. Kotecha 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. Sachin

Suresh Siddheshwar attached to office of Additional Superintendent of Police, Ambajogai, Tq. Ambajogai, Dist. Beed. He states that he has received a secret information on 15.10.2024 that one person by name Raju Gopalrao Sakhare is selling Gutkha (the banned food article) in his confectionary shop at village Sadola. Accordingly, by informing Additional Superintendent of Police Mrs. Chetna Tidke and under her guidance he along with police staff and panch witnesses effected raid at the said place at about 8.00 p.m. on the same day and found one person by name Raju Gopalrao Sakhare in possession of scented tobacco bags of different companies having small sachets. Inquiry was made. He told that he purchased the said Gutkha from present applicants. Thereafter, present First Information Report has been lodged. Here, it is to be noted that though First Information Report is against said Raju Gopalrao Sakhare and present applicants, but the names 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 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.154/2025 pending before learned Judicial Magistrate First Class, Majalgaon arising out of First Information Report vide Crime No.274/2024 dated 15.10.2024 registered with Rural Police Station, Majalgaon, Tq. Majalgaon, Dist. Beed, for the offence punishable under Sections 123, 223, 274, 275 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023, stands quashed and set aside as against applicant Nos.1) **Trimbak Anantrao Raut @ Dukre** and 2) **Amjad Ahemad Tamboli**.

( HITEN S. VENEGAVKAR, J. )

( SMT. VIBHA KANKANWADI, J. )

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