



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 3460 OF 2022

1. Indravadan Sankabhai @ Sankalchand Patel
Age: 56 years, Occupation: Business,
R/o. 2-42, Patel Vas, Paldi Rathod, Bilodra,
Mansa, Gandhinagar, Gujrat – 382810.
2. Pradip Shamdas @ Shantaram Bairagi,
Age :40 years, Occupation: Service,
R/o. Charaji Road, Swayamvar Karyalay,
Chalisgaon, Dist. Jalgaon.

... Applicants

Versus

1. The State of Maharashtra,
Through its P.I. Chandanzira Police Station,
District: Jalna.
2. Sudhakar Wasudeo Karad,
Age:Major, Occupation: Service,
Seed Inspector and Agricultural Officer,
District Panchayat Samiti Jalna.

... Respondents

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Mr. Kiran D. Jadhav a/w Mr. Vikram L. Bhange, Advocates for Applicants.
Mr. N. R. Dayama, APP for respondent No.1 / State.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th June, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") initially for quashment of the FIR bearing Crime No.0214 of 2022, dated 8th June, 2022, registered with Chandanzira Police Station, District Jalna, for the offences punishable under Sections 420, 463, 465 and 468 read with 34 of Indian Penal Code, 1860 (for short "IPC"), under Rules 7, 8, 9, 10, 11, 13, 14 of the Seeds Rule, under Sections 7(a) of the Seeds Act, under Section 3 of Seeds (Control) Order, under Sections 8, 15 and 16 of the Environment (Protection) Act and under Sections 12(2), (a), (c), (d), (f), (g), (h), (i), (j), 13(2) and 14 of Maharashtra Cotton Seeds Act, and later on, for quashing the charge-sheet in Regular Criminal Case No.926 of 2022 (CNR No.: MHJN030038482022), pending in the Court of learned Judicial Magistrate First Class, Jalna.

3 The respondent No.2 / informant averred in the report that he is serving as a Seed Inspector and Agricultural Officer at the Panchayat Samiti, Jalna and Jalna Taluka was his area of jurisdiction as a Seed Inspector. He received confidential information that an unauthorized HTBT cotton seeds were being brought into the Jalna district from Jalgaon in a silver-coloured Hyundai i10 car. Based on the said information, the informant alongwith Mr. V. D. Gaikwad,

District Quality Control Inspector, Jalna, stationed themselves near the Eicher Petrol Pump, at the Bhokardan Junction on Rajur Road, to intercept the said vehicle. At about 11:40 hours, the informant and Mr. Gaikwad noticed a silver Hyundai i10 car matching the confidential description approaching and proceeding from Rajur. They pursued the said vehicle using the informant's private car, in order to track its destination. The said Hyundai i10 car halted at Shop No.14 of Sheetal Grah, located at Navin Mondha, Jalna. After some time, the driver attempted to leave the location, at which point the informant and Mr. Gaikwad intervened and detained the vehicle. They alerted their other fellow officers, namely Mr. P.S. Pawar, Technical Officer (Quality Control) and Mr. Ashish Kalushe, Divisional Quality Control Inspector. They all reached the spot of the incident. Thereafter, the informant directed the driver of the said Hyundai i10 car, who is applicant No.2, to show the vehicle. Upon inspection, the following types of cotton seeds were found in the vehicle:-

- a) KCHH-1049 BG II – 60 packets
- b) KCHH-2725 BG II – 120 packets
- c) NC1116 BG II – 67 packets

4 These packets were manufactured by Narmada Sagar Green Seeds Pvt. Ltd., GIDC Motipura, Himmatnagar (Gujarat) and

distributed/sold by Pollen Agri Genetics, 309, Circle-P, Near Prahladnagar Pick-Up Stand, S.G. Highway, Anandnagar Road, Satellite, Ahmedabad (Gujarat). Further, from the vehicle's rear trunk, packets labelled as *Hybrid Cotton RAJICOT WIP Gold* were recovered, which bore no mention of the lot number, date of test, date of validity, manufacturer's name, distributor's details, or other statutory labelling requirements. Hence, these seeds *prima-facie* appeared to be spurious. Accordingly, it was taken into custody. Therefore, two packets from each variety were collected and a total of 12 samples were taken for testing the said seeds. As for the 20 RAJICOT packets found unlabelled and without necessary details such as lot number, manufacturing and expiry date, price, weight, and name of the producer, the informant inquired with applicant No.2 about the intended recipient of the said packets. Applicant No.2 gave evasive replies initially stating the packets were to be delivered to a vendor at Bidkin, and later, to someone in Sewli. To verify the same, the team proceeded to Sewli at around 02:10 pm and reached the village at approximately 03:50 pm. Mr. Kalushe, Divisional Quality Control Inspector, who was also present, asked applicant No.2 for the name and location of the vendor to whom delivery was intended. Applicant No.2 stated that his company's representative in Jalna was unreachable and he could not specify the recipient. This further indicated that applicant No.2 was giving misleading and evasive

responses. Subsequently, at about 05:50 pm, the team returned from Sewli and reached the original location at Navin Mondha, Jalna, at 07:15 pm. Applicant No.2 was directed in writing to produce, by 10:00 am on 8th June, 2022, all the documents including the Maharashtra Government's production and sales licence, origin certificate, and other relevant records concerning the unauthorized cotton seeds. From the documents found, it was evident that Pollen Agri Genetics had supplied the RAJICOT seeds. Thus, the sale of said unauthorized and suspicious HTBT cotton seeds without requisite approval constituted the offences. Thus, the informant lodged the complaint on behalf of the State against the applicants, alleging that in furtherance of their common intention, they conspired and sold 20 packets of suspected unauthorized HTBT cotton seeds of Pollen Agri Genetics, each packet priced at Rs.810/- (total value Rs.16,200/-), which were unlabelled, lacked statutory approvals, and violated multiple State and Central legislations, with an intention of cheating farmers. Therefore, the report was lodged against the applicants.

5 The learned counsel for the applicants submitted that the applicants were falsely implicated in the crime. He submitted that lodging of the report itself is not maintainable. The complaint has to be lodged by the Agricultural Officer. The applicants have no criminal antecedents. If the applicants are compelled to face the trial, it would

be an abuse of the process of the Court. He lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in a serious offence, which affects the interest of farmers and the agricultural economy at large. Their names have been mentioned in the report. He lastly prayed to reject the application.

7 In the case of **Korra Srinivas Rao s/o Krishnamurthy Vs. State of Maharashtra and others**, reported in, **2002 (4) Mh.L.J. 368**, this Court held that Seeds Inspector can launch proceedings in respect of complaints of farmers regarding failure of crop due to defective quality of seeds after detail investigation by himself and the police authorities cannot investigate such cases.

8 In the case of **Ramnarayan Vs. The State of Maharashtra and Ors**, reported in, **2018 ALL MR (Cri) 2582**, this Court held as under:-

“17. Section 15 of the Maharashtra Cotton Seeds Act, 2009, reads thus:

“15. Cognizance of Offences.- No Court shall take cognizance of an offence punishable under this Act

except upon a complaint, in writing, made by the Controller or any other officer authorized by him for this purpose.”

Upon careful perusal of Section 15 referred herein above, it is abundantly clear that the Court can take cognizance of an offence punishable under the Maharashtra Cotton Seeds Act, 2009 only on the complaint in writing made by the controller or any other officer authorized by him for this purpose.”

9 We have perused the charge-sheet, particularly, the report and the statements of witnesses as well as the relevant documents. The witnesses have stated similar facts as stated by the informant in the report.

10 As per Section 15 of the Said Act, a complaint has to be filed and a case based on lodging of the report is not maintainable. What way there was cheating on the part of the applicants as per Section 420 of the IPC is not establishing from the entire charge-sheet.

11 As far as forgery as defined in Section 463 of the IPC i.e. making of false documents or to cause any person to part with property is concerned, it is not revealing from the charge-sheet as to which false documents are made by the applicants. It is defining section and no punishment is provided under it.

12 The essential ingredients of forgery punishable under Section 465 of the IPC are not establishing from the charge-sheet. Section 468 of the IPC provides for commission of forgery of the documents, which shall be used for the purpose of cheating. However, it is not revealing either from the report or the statements of witnesses or the documents as to which documents were forged by the applicants.

13 As far as Sections 8, 15 and 16 of the Environment (Protection) Act are concerned, it is not pointed out how the alleged seeds were hazardous substance as per Section 8 of the Environment (Protection) Act, for which punishment is provided under Sections 15 and 16 of it.

14 When there are special statutes i.e. the Maharashtra Cotton Seeds Act and the Seeds (Control) Order, the general provisions of the IPC cannot be invoked.

15 Considering all these aspects and reasons discussed above with law laid down in the case of **Ramnarayan** (cited supra), if the applicants are compelled to face the trial, it would certainly be an abuse of the process of the Court. We are, therefore, inclined to allow

the application by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice to prevent the abuse of the process of Court. The application, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The proceedings in Regular Criminal Case No.926 of 2022 (CNR No.: MHJN030038482022), pending in the Court of learned Judicial Magistrate First Class, Jalna, arising out of FIR bearing Crime No.0214 of 2022, dated 8th June, 2022, registered with Chandanzira Police Station, District Jalna, for the offences punishable under Sections 420, 463, 465 and 468 read with 34 of Indian Penal Code, under Rules 7, 8, 9, 10, 11, 13, 14 of the Seeds Rule, under Sections 7(a) of the Seeds Act, under Section 3 of Seeds (Control) Order, under Sections 8, 15 and 16 of the Environment (Protection) Act and under Sections 12(2), (a), (c), (d), (f), (g), (h), (i), (j), 13(2) and 14 of Maharashtra Cotton Seeds Act, stands quashed as against the applicants.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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