



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CRIMINAL APPLICATION NO.3027 OF 2018

- 1 Suresh Singh Ramesh Singh Gurjar,
Age 27 yrs., Occ. Business,
R/o Post Basai Dang, Tehsil Bari,
Dist. Dholpur (Rajasthan State).
- 2 Jitendra Rameshchandra Gaud,
Age 23 yrs., Occ. Driver,
R/o Post Basai Dang, Tehsil Bari,
Dist. Dholpur (Rajasthan State).
- 3 Lokendra Pathiram Bharti,
Age 19 yrs., Occ. Service,
R/o Comduwa, Tehsil Badi,
Dist. Dholpur (Rajasthan State).

... Applicants

... **Versus** ...

The State of Maharashtra
Through Police Inspector,
Police Station, Akhada Balapur,
Tq. Kalamnuri, Dist. Hingoli.

... Respondent

...

Mr. R.A. Karwa, Advocate for applicants

Mr. P.S. Patil, APP for sole respondent

...

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

DATE : 10th SEPTEMBER, 2025

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

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing First Information Report vide Crime No.329/2018 dated 14.10.2018 registered with Police Station, Akhada Balapur, Tq. Kalamnuri, Dist. Hingoli, for the offence punishable under Sections 328, 188 of the Indian Penal Code, 1860 and under Sections 26(2), 27, 23, 30(2)(a) read with Sections 2, 3, 4 of the Food Safety and Standards Act, 2006.

2 Heard learned Advocate Mr. R.A. Karwa for applicants and learned APP Mr. P.S. Patil for sole respondent. 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 would show that First Information Report has been lodged by Mrs. Anuradha Dnyandeo Bhosale, Food Safety Officer, office of the Assistant Commissioner Food Administration (Maharashtra State), Parbhani. She states that on 13.10.2018 at about 11.00 p.m. near Ramdev Baba Dhaba at Waranga Phata a truck is found in suspicious condition to police of Akhada Balapur Police Station while patrolling. Police inquired with the truck driver Jitendra Ramchandra Goud.

The driver told that truck contains machinery and other articles. Search of the truck was taken, wherein machinery, other articles and scented tobacco bags of different companies having small sachets were found. During inquiry with truck driver no bilty, receipt or evidence is found in respect of said Gutkha. The driver was possessing bilty of other articles, which shows that said truck is proceeding to Latur with said articles. Thereafter, present First Information Report has been lodged. Here, it is to be noted that the First Information Report itself shows that there were no receipts found with the applicants regarding the said Gutkha. Therefore, it is doubtful whether they have procured the same or otherwise. There is no *prima facie* evidence on record to connect present applicants with the crime. 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) First Information Report vide Crime No.329/2018 dated 14.10.2018 registered with Police Station, Akhada Balapur, Tq. Kalamnuri,

Dist. Hingoli, for the offence punishable under Sections 328, 188 of the Indian Penal Code, 1860 and under Sections 26(2), 27, 23, 30(2)(a) read with Sections 2, 3, 4 of the Food Safety and Standards Act, 2006, stands quashed and set aside as against applicants viz. 1) **Suresh Singh Ramesh Singh Gurjar**, and 2) **Jitendra Rameshchandra Goaud** and 3) **Lokendra Pathiram Bharti**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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