



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4191 OF 2023

Sarwari Abdul Vakil Ahemad Abdul Samad

Age: 58 years, Occu.: Service,

R/o. Shahagani Masjid, Kalabawar,

Parbhani, Tq. And Dist. Parbhani.

.. Applicant

Versus

1. The State of Maharashtra
Through Officer Incharge,
Police Station Nanalpeth,
District Parbhani.

2. Vasant Devrao Chavan
Age: 55 years, Occu.: Service,
Police Inspector, Local Crime Branch,
Parbhani.

.. Respondents

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Mr. Sudarshan J. Salunke, Advocate for the applicant.
Mr. V. K. Kotecha, APP for respondent No.1/State.

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**CORAM : SMT. VIBHA KANKANWADI &
SUSHIL M. GHODESWAR, JJ.**

DATE : 22 AUGUST 2025

ORDER :

. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the proceedings in Regular Criminal

Case No.577 of 2023 pending before the learned Judicial Magistrate First Class, Parbhani arising out of the FIR vide Crime No.392 of 2022 dated 20.09.2022 registered with Nanalpeth Police Station, District Parbhani for the offences punishable under Sections 3 and 7 of Essential Commodities Act.

2. Heard learned Advocate Mr. S. J. Salunke for the applicant and learned APP Mr. V. K. Kotecha for respondent No.1/State. Respondent No.2 though served, failed to appear. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. After going through the entire charge-sheet, it can be seen that the FIR has been lodged by the Police Inspector, Vasant Chavan, attached to Crime Branch, Parbhani. Name of the present applicant is not reflected in the FIR, but it appears that thereafter, the investigation has been carried out and the statement of the accused persons are recorded. Co-accused Shaikh Matin Shaikh Rashid, in his statement, has taken the name of the present applicant. The applicant is stated to be one of the trustee of Rizwan Urdu School. Statement of co-accused Shagufta Naaz Shaikh Fazalurrahman, Headmistress of Rizwan Urdu School, was also recorded on 20.12.2023. The FIR and the proceedings as against co-accused Shagufta Naaz Shaikh Fazalurrahman were

quashed and set aside by this Court on 05.08.2025 in Criminal Application No.3913 of 2023.

4. Thus, except the statements of co-accused, there is nothing. Even the statement of the present applicant has also been recorded. The investigating officer has not tried to see that from which scheme the grains were supplied to Rizwan Urdu School. The record would have been available with Zilla Parishad School or the authorities responsible for giving the grains under the said scheme to different schools for mid-day meal. The school is supposed to keep the record in respect of the grains received, consumed during the month and then how much is available in the storage. The statements of the respective authorities and the record from the school have not been seized. Under such circumstance, only on the basis of the statements of the co-accused, when there is nothing, it would be an abuse of process of law, if the applicant is asked to face the trial. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The proceedings in Regular Criminal Case No.577 of 2023 pending before the learned Judicial Magistrate First Class, Parbhani arising out of the FIR vide Crime No.392 of 2022 dated

20.09.2022 registered with Nanalpeth Police Station, District Parbhani for the offences punishable under Sections 3 and 7 of Essential Commodities Act, stand quashed and set aside as against the present applicant.

[SUSHIL M. GHODESWAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm