



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APL) NO. 750 OF 2025

APPLICANTS

Deleted as per Court's
Order dt. 12/08/2025.

- : 1. Ajay S/o. Vishandas Kamnani, Aged about : 49 Years, Occ: Business, R/o. Flat No. 201, Honey Ritika Apartment, Ambedkar Square, Nagpur.
2. ~~Surya Prakash S/o. Raj Narayan Pandey, Aged about : 50 Years, Occ: Business, R/o. C/o. Raj Narayan Pandey, 13-18/39, Nakshatra Colony, Siddanthi, Shamshabad, K.V. Rangareddy, Telangana - 501218.~~
3. Arvind Santosh Mishra, Aged about 43 Years, Occ: Business, R/o. C/o. Santosh Mishra, 32, Bhaisaha, Thana, Bailariyaganj, Bhaisha, Azamgarh, Uttar Pradesh - 276139.
4. Deepak S/o. Ramdas Kothari, Aged about : 60 Years, Occ: Business, R/o. CTS No.72A, Kothari House, Mittal Park Layout, Near Godrej Bungalow, Vile Parle (West), Mumbai Tq. & Distt. Mumbai.

//VERSUS//

NON-APPLICANTS

- : 1. State of Maharashtra, through Police Station Officer, Ballarpur Police Station, Ballarpur, Distt. Chandrapur.
2. Food Safety Officer, Food and Drug Administration (M.S) Chandrapur.

WITH
CRIMINAL APPLICATION (APL) NO. 724 OF 2025

APPLICANTS

Deleted as per Court's
Order dt. 12/08/2025.

- : 1. Ajay S/o. Vishandas Kamnani, Aged about : 49 Years, Occ: Business, R/o. Flat No. 201, Honey Ritika Apartment, Ambedkar Square, Nagpur.
2. ~~Surya Prakash S/o. Raj Narayan Pandey, Aged about : 50 Years, Occ: Business, R/o. C/o. Raj Narayan Pandey, 13-18/39, Nakshatra Colony, Siddanthi, Shamshabad, K.V. Rangareddy, Telangana - 501218.~~
3. Arvind Santosh Mishra, Aged about 43 Years, Occ: Business, R/o. C/o. Santosh Mishra, 32, Bhaisaha, Thana, Bailariyaganj, Bhaisha, Azamgarh, Uttar Pradesh - 276139.
4. Deepak S/o. Ramdas Kothari, Aged about : 60 Years, Occ: Business, R/o. CTS No.72A, Kothari House, Mittal Park Layout, Near Godrej Bungalow, Vile Parle (West), Mumbai Tq. & Distt. Mumbai.

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NON-APPLICANTS

- : 1. State of Maharashtra, through Police Station Officer, Ballarpur Police Station, Ballarpur, Distt. Chandrapur.
2. Food Safety Officer, Food and Drug Administration (M.S) Chandrapur.

Mr. S.A. Mohta, Advocate for the Applicants.
Mr. K.R. Lule, APP for the Non-applicants/State.

CORAM : ANIL L. PANSARE AND M.M. NERLIKAR, JJ.
DATED : 12th AUGUST, 2025.

ORAL JUDGMENT (PER : ANIL L. PANSARE, J.)

Leave to delete the name of applicant No.2 is granted.
Amendment be carried out forthwith.

2. Heard. Issue Rule, returnable forthwith. Mr. K.R. Lule, learned A.PP waives service for the non-applicants/State. With consent of the learned counsel for the parties, the applications are taken up for final hearing.

3. The issue involved in both the applications is identical and therefore both the applications are being disposed of by common judgment. For the sake of convenience, the facts of Criminal Application (APL) No.750/2025 are being considered.

4. The application is filed to quash the First Information Report registered *vide* Crime No.978/2023 for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code, 1860 read with Sections 26(1), 26(2)(i), 26(2)(iv), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, with further prayer to quash and set aside the Charge-sheet filed *vide* Charge-sheet No.157/2024 and pending before the Judicial Magistrate First Class, Ballarpur, District Chandrapur.

5. The accusation against the applicants is that they are owners of pan masala, which is manufactured in the name of 'Sagar'. The consignment of pan masala for Rs.68 lakhs approximately was being transported from Beder, State of Karnataka, to certain destination, which is not disclosed in the FIR nor the counsel is in a

position to name the destination. The same may not be relevant. What is relevant is that two trucks carrying the aforesaid consignment were travelling through Ballarpur, District Chandrapur. The trucks were intercepted by Ballarpur Police. The pan masala was seized. The drivers of the said trucks informed the Investigating Agency that applicant Nos.1, 3, 4 and one Suryaprakash Pandey are owners of pan masala. The drivers are made accused, and since two trucks were intercepted, two separate first information reports were registered.

6. The learned counsel for the applicants submits that, except for such a statement of co-accused i.e. drivers, there is absolutely no evidence to show that these three persons are owners of the consignment. He has invited our attention to the statement of the Manager, working with the company owned by Mr. Suryaprakash Pandey, who is the manufacturer of 'Sagar Pan Masala'. The witness stated that he does not know the applicant Nos.1, 3 and 4 amongst others. Thus the Manager of the company, where the pan masala is manufactured, has stated that he does not know the applicants.

7. The learned A.P.P. did not show any other evidence that would connect applicants with the crime. The invoice that was seized by the Investigating Agency would show that the consignment was 'poha' and not the 'pan masala'. The name of company viz. Sunder & Company appears on the invoice. The consignee is Arora Traders at Madhya Pradesh. This consignment, in our view, is not sufficient to connect the applicants with the crime.

8. Put altogether, except for the statements of the co-accused i.e. drivers, there is absolutely no evidence against the applicants to show that either they are owners of 'Sagar Pan Masala' or any nexus with the consignment that was being transported through the trucks

that were intercepted by Ballarpur Police. Further, registration of two separate first information reports for the same offence is also not justified by the non-applicants.

9. In other words, even if the prosecution case is accepted to be true, no offence is made out against the applicants. In the circumstances, continuation of proceeding against them is a futile exercise and will amount to abuse of process of law.

10. Accordingly, criminal applications are allowed. The First Information Report Nos.978/2023 and 979/2023 dated 20/09/2023, registered with Police Station Ballarpur, District Chandrapur, for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code, 1860 read with Sections 26(1), 26(2)(i), 26(2)(iv), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, are quashed and set aside. In sequel, the Charge-sheet Nos.157/2024 and 158/2024 dated 02/04/2024, pending before the Judicial Magistrate First Class, Ballarpur, District Chandrapur, are quashed and set aside.

11. Rule is made absolute in aforesaid terms.

12. Pending applications, if any, also stand disposed of.

(M.M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

Vijaykumar