



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

CRIMINAL APPLICATION [APL] NO.1108 OF 2024

[Sheikh Salim Sheikh Gafur and another .vs. State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.A. Mohta, Advocate for Applicants.
Shri A.R. Chutke, APP for Non-Applicants.
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**CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.**

DATE : 28th APRIL, 2025.

P.C.

By way of present application filed under Section 482 of the Code of Criminal Procedure, applicants are seeking to quash and set aside the Chargesheet No.1/2022 filed before the learned Judicial Magistrate First Class, Ghatanji, District Yavatmal and Regular Criminal Case No.41/2022, arising out of the First Information Report vide Crime No.0488/2021, dated 20.11.2021 for the offences under Sections 188, 272, 273, 328 r/w 34 of the Indian Penal Code read with Section 26(2)(i), 27(3) (e), 30(2)(a) and 59 of the Food Safety and Standard Act, 2006 against the applicants registered with Police Station Parwa, District-Yavatmal.

2. It is argued that except the statement of co-accused, there is no material against the applicants to show that they are involved in the alleged offence.

3. It is submitted that the offence was registered against the accused persons. However, during the PCR of accused Nos.1 and 2, they disclosed the name of applicants and thereupon, they have been implicated in the alleged offence.

4. Learned Additional Public Prosecutor appearing for the non-Applicant/State is not disputing the fact that except the statement of co-accused, there is no material against the applicants.

5. Since the chargesheet is filed and during investigation nothing has been found against the applicant to show his complicity in the alleged offence, we cannot allow the prosecution to proceed against applicants only on the basis of such statement of co-accused, otherwise it will amount to abuse of process of law.

6. In the circumstances, we find that this application needs to be allowed by quashing and setting aside the chargesheet against applicants and, therefore, we proceed to pass the following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) The Chargesheet No.1/2022 filed before the learned Judicial Magistrate, First Class, Ghatanji, District Yavatmal and Regular Criminal Case No.41/2022 pending before the same court, arising out of the First Information Report vide Crime No.488/2021, dated 20.11.2021 for the offences under Sections 188, 272, 273, 328 r/w 34 of the Indian Penal Code read with Section 26 (2)(i), 27(3)(e), 30(2)(a) and 59 of the Food Safety

and Standard Act, 2006 against the applicants registered with Police Station, Parava, District-Yavatmal is hereby quashed and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

S.K.Nair