



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

CRIMINAL APPLICATION (APL) No.1370 OF 2024

(Syed Zubair Syed Zahed Hasan Vs. The State of Maharashtra, through PSO, P.S. Wani, Tq. Wani, Distt. Yavatmal and another)

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

Court's or Judge's orders.

Mr. S.A. Mohta, Advocate for Applicant.
Mr. S.S. Doifode, APP for Respondents.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATE : 25th APRIL, 2025.

P.C.

1. By this application, the applicant is seeking to quash and set aside the Chargesheet No.121/2024 filed before the learned Judicial Magistrate, First Class, Wani, District-Yavatmal and Regular Criminal Case No.156/2024, arising out of the First Information Report vide Crime No.75/2024, dated 11.02.2024 for the offences under Sections 188, 272, 273, 328 r/w 34 of the Indian Penal Code read with Section 26 (2), 27, 30(2)(a) and 59 of the Food Safety and Standard Act, 2006 against the applicant registered with Police Station, Wani, District-Yavatmal.

2. It is argued that except the statement of co-accused, there is no material against the applicant to show that he is 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 applicant and thereupon, he has 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 applicant.

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 applicant 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 applicant and, therefore, we proceed to pass the following order :

O R D E R

- (i) Criminal Application is allowed.
- (ii) The Chargesheet No.121/2024 and Regular Criminal Case No.156/2024 pending before the learned Judicial Magistrate, First Class, Wani, District-Yavatmal arising out of the First Information Report vide Crime No.75/2024, dated 11.02.2024 for the offences under Sections 188, 272,

273, 328 r/w 34 of the Indian Penal Code read with Section 26 (2), 27, 30(2)(a) and 59 of the Food Safety and Standard Act, 2006 against the applicant registered with Police Station, Wani, District-Yavatmal, is hereby quashed and set aside.

(iii) The application is disposed of.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

Wadode