



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

CRIMINAL APPLICATION (APL) No.1225 OF 2025

(Md. Sheikh Mehboob Ali Mehboob Ali Sheikh and others Vs. State of Maharashtra,
through PSO, PS Umarkhed, 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. Akshay Naik, Senior Advocate along with Mr. Harshwardhan
Chauhan, Advocate for applicants.
Mr. Nikhil Joshi, APP for respondent No.1.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATE : 17th SEPTEMBER, 2025.

1. Present application is preferred for quashing and setting aside the First Information Report in connection with Crime No.562/2025 dated 3.8.2025 registered with Police Station Umerkhed, District Yavatmal for the offence under Sections 303(2) and 3(5) of the Bharatiya Nyay Sanhita, 2023.

2. Heard learned counsel for the applicant, who submitted that the applicants are challenging the F.I.R. bearing Crime No.562/2025, registered under the above stated sections. The complainant is present before the Court. In fact the F.I.R. was lodged under the misrepresentation. In fact Sadbhav Engineering Limited got the contract of Four laning of Waranga to Mahagaon Section NH-361 from Ku 253.700 to 320.580. The Company started its operations in timely fashion. The Company needs heavy Machineries and huge transport vehicles in order to facilitate the construction work. Once the work got over, the said Company sent applicant Nos.2 and 3 to

conduct survey of the machineries and scrap and asked to either sale or give it away as the transporting cost is more than the actual value of the machineries. After said exercise the applicant Nos.2 and 3 went to Ahmedabad and the informant lodged a report alleging that the present applicants are involved in commission of theft of the said machineries. On the basis of the said report Police have registered the crime.

3. On receipt of the notice the informant filed an affidavit stating that the work of construction of the above said project was entrusted to the Gawar Construction by the NHAI after said project was left by Sadbhav Engineering. He was not aware of the fact about the ownership of the Vehicles and Machineries present in the Sadbhav Camp and therefore, under the misconception he lodged the report and raised no objection to quash the First Information Report.

4. In view of the affidavit filed by the respondent No.2, the applicant has made out a case for quashing of the F.I.R. In view of that, we proceed to pass following order :

ORDER

(i) The application is allowed.

(ii) The First Information Report in connection with Crime No.562/2025 dated 3.8.2025 registered with Police Station Umerkhed, District Yavatmal for the offence under Sections 303(2) and 3(5) of the Bharatiya Nyay Sanhita, 2023 is hereby quashed and set aside.

(iii) The application is disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)