



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4516 OF 2024

Mohammed Firoz Mohammed
Saddik Punjani

.. Applicant

versus

State of Maharashtra & another

.. Respondents

Mr. Shyam Mohta, along with Mr. S. V. Lohiya, Advocates for the
Applicant.

Mr. P. P. Dawalkar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 25th FEBRUARY, 2026.

PER COURT :

1. The Applicant has approached this Court seeking quashment of First Information Report No. 0349.2020 registered with Hingoli Rural Police Station, Hingoli, for the offences punishable under Sections 188, 272, 273, 328 of Indian Penal Code, Sections 26(2)(iv), 26(2)(i), 27(2)(E), 27(2)(A), 27(3)(D), 2(3)(E), 30(2)(a) and 59 of Food Safety and Standard Act, 2006 and consequential proceedings bearing RCC No. 506/2023 pending on the file of 3rd Judicial Magistrate First Class, Hingoli.

2. Learned Counsel for the Applicant submits that the implication of the Applicant is on the basis of the statement of the co-accused, which is impermissible in law. Except the bare assertions at the instance of the co-accused, there is no incriminating material on record collected during the course of investigation. As such, learned Counsel for the Applicant submits that continuation the proceeding would lead to abuse of process of law and prays for exercise of inherent powers so as to meet the ends of justice.

3. Per contra, learned APP opposed the application submitting that the Applicant is involved in an offence under Indian Penal Code and the Food Safety and Standard Act, 2006.

4. Heard learned Counsel for the litigating sides. It is a matter of record that the name of the present Applicant is not disclosed in the First Information Report. It is only on the basis of the statement of co-accused, the Applicant has been implicated in the crime. Perusal of statement of the co-accused indicates that the role of the present Applicant is only to the extent of loading the contraband in the truck. However, the said statement is inadmissible in law. When confronted with the availability of material against the present

Applicant, which is admissible in law, the learned APP is not in a position to demonstrate the same. As such, further continuation of the proceeding against the present Applicant would lead to abuse of process of law and as such the same is liable to be quashed and set aside.

5. Accordingly, the application is allowed in terms of prayer clause 'B' and 'C'.

(SACHIN S. DESHMUKH, J.)

dyb