

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1598 OF 2025

1. Hanuman s/o. Bhagwan Warhade
Age 32 years, Occu. Labour,
R/o Roshanpura, Balepir,
Nagar Road, Beed
Tq & Dist. Beed.
2. Satish s/o. Sheshrao Waghmare,
Age 35 years, Occu : Labour,
R/o : Antharwanpimpri, Tq. & Dist. Beed.
At Present Charhata Phata, Beed
Tq. & Dist. Beed. ..Applicants

VERSUS

1. The State of Maharashtra
Through : The Police Inspector'
Majalgaon City Police Station,
Tq. Majalgaon, District : Beed.
2. Balaji s/o. Shesherao Darade,
Age 51 years, Occu : Service as police
constable B.No.1224,
R/o. S.D.P.O. Kaij, Dist : Beed. ..Respondents

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Mr. S.S. Solanke, Advocate for Applicants
Mr. S.R. Yadav-Lonikar, APP for Respondent/State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 06, 2026

FINAL ORDER :-

1. The applicants seek quashment of First Informant Report
(in short 'F.I.R.') dated 12.02.2022 and consequential proceedings in
R.C.C. No.87 of 2022 pending before learned Judicial Magistrate First
Class, Majalgaon, District Beed arising out of Crime No.34 of 2022

registered with Majalgaon City Police Station, Taluka Majalgaon, District Beed for offences punishable under Section 3 and 7 of Essential Commodities Act, 1955.

2. The investigation was set in motion on the basis of information given by Mr. Balaji Sheshrao Darade contending that he was attached to Sub-Divisional Police Office, Kaij, District Beed. On 11.02.2022, he received secret information that food grains meant for public distribution are stored in a warehouse at Bramhangaon Shiwar for being transported to Gujarat for sale in black market. The raid was carried along with panchas. It was revealed that a truck bearing Registration No. MH-51-FV-6357 was loaded with food grains and it was being covered by tarpaulin and rope. The applicants were persons who found on spot. Applicant no.1 alleged to have informed that he loaded rice bags with help of labours for transportation to Gujarat. Purchase bill of rice packed in bags was not available with them. On inspection of truck, 558 gunny bags of 50 kg worth Rs.6,98,000/- were found loaded in truck. The truck along with goods was seized and report was lodged for offences punishable under Section 3 and 7 of Essential Commodities Act, 1955 against in all three accused person including applicants and accused no.1 – Yunus @ Yusuf Isaq Attar. Aforesaid information culminated in F.I.R. in Crime No.34 of 2022 registered with Majalgaon City Police Station. The investigation progressed and charge sheet has been filed. Eventually, R.C.C. No.87

of 2022 is pending before Judicial Magistrate First Class, Majalgaon. The learned Magistrate issued process vide order dated 04.05.2022.

3. Mr. Solanke, learned advocate appearing for applicants submits that contents of F.I.R or charge sheet are insufficient to make out triable case for offence punishable under Section 3 and 7 of Essential Commodities Act, 1955. He would submit that as per averments in F.I.R., applicants were found on spot along with truck containing goods, which were meant for sale through public system. However, there is absolutely no material to show that gunny bags containing rice were meant for sale through ration shop. None of the officer in-charge of public distribution system has confirmed that goods seized in truck were pertaining to public distribution through fair price shop. Accused no.1 had purchased goods from open market and loaded in truck. The applicants had no concern with said goods. He would point out that accused no.1 produced receipt of purchase of goods from wholesaler. Accordingly, learned Magistrate has directed handing over of goods to him. He would therefore urge that none of ingredients of Section 3, which are punishable under Section 7 would attract in facts of present case.

4. Mr. Solanke would further point out that accused no.1 had filed a Criminal Application No.1655 of 2022 for quashment of F.I.R. and further proceedings in self same crime. This Court vide order 11.03.2025 allowed application and quashed the proceeding in

R.C.C. No.87 of 2022 arising out of Crime No.34 of 2022 as against accused no.1 – Yunus @ Yusuf s/o. Isaq Attar.

5. Having considered submissions advanced by learned advocates appearing for applicants, it can be observed that charge sheet has been filed without there being any document or prohibitory order for sale of goods seized by investigating officer. Accused no.1 was owner of goods. He had purchased same from open market and learned Magistrate has released those goods in his favour. The contents of charge sheet nowhere depicts that there is violation of order made under Section 3 Essential Commodities Act, 1955. However, charge sheet is filed without investigation and material on aspect of existence or breach of order as contemplated under Section 3 of Act of 1955.

6. Perusal of order dated 11.03.2025 passed in Criminal Application No.1655 of 2022, which was filed by accused no.1 shows that this Court made specific observations that there is no breach of order by authority as per Section 3 of Essential Commodities Act, 1955. The evidence collected by investigating officer is not sufficient to hold applicant liable. The essential ingredients of Section 3 and 7 of Essential Commodities Act, 1955 are not established from report of statement of witnesses. Accordingly, proceeding is quashed against accused no.1.

7. In light of aforesaid observations, when no case could be made out against accused no.1, who was alleged to be in possession of seized goods, applicants, who were helpers in loading of goods cannot be prosecuted for offences as charged. In this background, it is imperative to exercise inherent powers under Section 482 of Criminal Procedure Code. Hence, the following order :

ORDER

- (i) The application stands allowed.
- (ii) The First Information Report and the consequential proceedings in R.C.C. No.87 of 2022, pending before learned Judicial Magistrate First Class, Majalgaon, Dist. Beed, arising out of Crime bearing No.34 of 2022, registered with Majalgaon City Police Station, Dist. Beed on 12.02.2022, for offences punishable under Sections 3 and 7 of Essential Commodities Act, 1955 stands quashed against the applicants.

(S.G. CHAPALGAONKAR, J.)