



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1775 OF 2025

Shubham s/o Dinkar Sarnikar,
Age: 25 Years, Occ.: Agril.,
R/o.: Saraswati Colony, Mali Chowk,
Ambejogai, Ta. : Ambejogai,
Dist. Beed.

...Applicant

VERSUS

- 1) The State of Maharashtra,
Through the Officer Incharge,
Ambejogai City Police Station,
Dist. Beed
- 2) Kisan Ashruba Gholve,
Age- 46 Years, Occ- Service as
Police Head Constable at Ambejogai City Police Station,
Dist. Beed

...Respondents

...

Mr. K.P. Rodge, Advocate for Applicant.
Mr. K.B. Jadhavar, APP for Respondent/State.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 16, 2026

FINAL ORDER :-

1. The applicant seeks quashment of First Informant Report (in short 'F.I.R.') dated 20.06.2022 in Crime No.271 of 2022 registered with Ambejogai City Police Station for offence punishable under Section 135 of Maharashtra Police Act, 1951 and Section 4 and 25 of Arms Act, 1959. The applicant further seeks quashment of consequential proceedings in R.C.C. No.194 of 2022 pending before learned Judicial Magistrate First Class at Ambejogai, District Beed.

2. The investigation was set in motion on the basis of information given by respondent no.2/police constable attached to

Ambejogai City Police Station alleging that while his team was patrolling, they received a secret information that applicant/accused was carrying dangerous weapon in Toyota Etios Car. At about 14.30 hours, police party reached to spot. They noticed car on spot. They interrogated with applicant and in open search of car found a sharp dangerous weapon like knife with iron handle hidden under driver's seat. The aforesaid information was culminated into registration of F.I.R. for offence punishable under Section 4 and 25 of Arms Act and Section 135 of Maharashtra Police Act against applicant. On completion of investigation, charge sheet has been filed and at present, R.C.C. No.194 of 2022 is pending before learned Judicial Magistrate First Class at Ambejogai.

3. On 21.07.2025, while issuing notice to respondents, this Court observed that charge sheet filed against applicant does not contain notification as contemplated under Section 4 of Arms Act. Therefore, clarification was sought as to existence of such notification/sanction. Looking to past experience, this Court directed DSP, Beed or higher officer to file his affidavit clarifying aforesaid aspect. In response to aforesaid direction, Mr. Navneet Kumar Kanwat, Superintendent of Police, Beed filed his affidavit stating that there is notification dated 06.09.1980 issued under Section 4 of Arms Act. However, it is not applicable to Beed District. He specifically admits that inspite of his sincere persuasion with higher authorities, he could

not found notification covering District Beed. At this stage, reference can be given to Section 4 of Arms Act which reads thus :

“4. Licence for acquisition and possession of arms of specified description in certain cases.— If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition, possession or carrying of arms other than fire-arms should also be regulated, it may, by notification in the Official Gazette, direct that this section shall apply to the area specified in the notification, and thereupon no person shall acquire, have in his possession or carry in that area arms of such class or description as may be specified in that notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.”

4. Plain reading of aforesaid provision depicts that Central Government is empowered to issue notification in public interest regulating acquisition, possession or carrying of arms other than firearms. Section 25 of Arms Act prescribes for punishment for possessing arms prohibited under notification. In present case, in absence of notification issued under Section 4 of Arms Act, possession of so-called arms by applicant would not constitute offence punishable under Section 25 of Arms Act for breach of Section 4. Similar issue has been dealt with by Division Bench of this Court in case of *Vilas Dhondu Sapkale Vs. The State of Maharashtra and Another in Criminal Application No.2489 of 2024 decided on 30.08.2024*, and it has been observed that in absence of notification,

prohibiting possession of particular arms or regulating possession of particular arms, prosecution for commission of offence under Section 25 would not be possible.

5. In present case, admittedly, there is no notification for District Beed regulating possession of arms alleged to have been possessed by applicant. So far as offence under Section 135 of Maharashtra Police Act is concerned, it deals with contravention of rules or directions issued under Section 37, 39 or 40. However, in absence of prohibitory orders passed by competent authority and its breach, no offence can be made out punishable under Section 135. The charge sheet in present case do not contain any such direction issued by competent authority regulating possession of arms. In result, in light of observations of Hon'ble Supreme Court in case of ***State of Haryana and Others Vs. Ch. Bhajanlal and Others*** reported in ***AIR 1992 SC 604***, case is made out to exercise inherent powers and quash F.I.R. and consequential proceedings pending against applicant.

6. In result, application is allowed in terms of prayer clause (B).

(S.G. CHAPALGAONKAR, J.)