

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 603 OF 2024

Nilesh @ Niki Haresh Dingra ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Prasanna Kishor Shahane, Advocate for Applicant.

Ms. Pallavi Dabholkar, APP for Respondent – State.

Mr. Nitin Dondale – API, Central Police Station, Thane City.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th MARCH, 2026

P.C. :

1. Heard Mr. Prasanna Kishor Shahane, learned Advocate for the Applicant, and Ms. Pallavi Dabholkar, learned APP for the State.

2. This Application, filed under Section 482 of the Criminal Procedure Code, 1973, by the Applicant seeks to quash the FIR No. 0311 of 2023 dated 1st November 2023 (hereafter “impugned FIR”), for offences punishable under Sections 188, 272,

328, 37 of the Indian Penal Code and Sections 2b(2)(i), 26(2)(iv), 273(e), 30(2)(a), 3(1)(ZZ)(iv), 59 of the Food Safety and Standards Act, 2006, at Vitthalwadi Police Station, along with the Charge sheet No. 179 of 2024 arising from the impugned FIR.

3. Mr. Prasanna Kishor Shahane submits that the Applicant is listed as Accused No. 1 in the mentioned crime. He submits that, apart from the statement of co-accused Navin Duseja (Accused No. 2), there is no other evidence in the impugned FIR or charge sheet against the Applicant.

4. Ms. Pallavi Dabholkar, the learned APP for the State, fairly submits that apart from the statement of the co-accused (Navin Duseja), as referred to by Mr. Prasanna Kishor Shahane, there is no other material in the charge sheet against the Applicant.

5. Perused records.

6. In the impugned FIR, the only allegations against the Applicant are on page No. 21, which states that Navin Duseja (co-

accused) claimed to have purchased tobacco from the Applicant. There is no material or evidence of any purchase, or even prima facie proof, suggesting the Applicant's involvement in buying or selling such items. Besides the statement of co-accused Navin Duseja (Accused No. 2), no other evidence in the charge sheet links the Applicant to the crime. The material collected after the registration of the impugned FIR does not indicate the ingredients of the alleged offence as to the Applicant.

7. Considering the above facts, without any material or evidence to proceed against the Applicant, it would serve no purpose to force the Applicant to face trial.

8. This Court, in similar facts, in the case of *Prasad s/o Dattatrey Rajkondawar Vs. State of Maharashtra & Anr.*¹, considering that the only material against the Applicant was a statement of the co-accused, deemed it fit to exercise jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and quashed the impugned FIR along with the charge-sheet.

¹ Criminal Application (APL) No. 131 of 2025 decided on 9th October 2025

9. In view of the above, to prevent abuse of the process of law, this case warrants exercising jurisdiction under Section 528 of BNSS and quashing the impugned FIR along with the charge-sheet arising from it, against the Applicant, in accordance with the principles laid down by the Hon'ble Supreme Court in the case *State of Haryana Vs. Bhajan Lal*².

10. This Application is therefore allowed in terms of the prayer clause (a). Consequently, the impugned FIR and the charge-sheet arising out of it are quashed qua the Applicant.

11. No orders to cost.

12. Criminal Application No. 603 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)

2 1992 Supp (1) SCC 335