

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 773 OF 2025

1. **Saanya Saffarulla Wahid @
Saanya Nair @ Saniya
Namdkumar Nair**, Indian Inhabitant,
Aged – 25 years, Occupation – Student,
Residing at 902, Swakrut, Sahakar Nagar,
Near Audi Showroom, Andheri (West),
Mumbai – 400 053.
2. **Shivalika Prashant Bhatnagar**,
Indian Inhabitant, Aged – 24 years,
Occupation – Dentist, Residing at
M – 423, Tarapore Towers, Off Link Road,
Oshiwara, Andheri (West),
Mumbai – 400 053.
3. **Aaryan Ravi Rana**,
Indian Inhabitant, Aged – 23 years,
Occupation – Medical Student,
Presently residing at C1-404,
Bhimashanker CHS, Sector 19,
Nerul, Navi Mumbai – 400 706.
AND
Having permanent residence at
C/o Ravi Rajan Rana, Sarover Nagar,
Manarover Colony, Sachin Doodh
Dairy Moradabad, Uttar Pradesh – 244 001. ...Petitioners

Versus.

1. The State of Maharashtra
(Through the Senior Police Inspector,
N.M. Joshi Marg Police Station).
2. **Rashmi Sharad Haldankar**,
Indian Inhabitant, aged – 49 years,
Occupation – Police Naik
(Through Enforcement Cell,
Crime Branch, Mumbai). ...Respondents

Ms. Lakshmi Raman, learned Advocate for the Petitioners.

Mrs. Anuja S. Gotad, learned A.P.P. for the State/Respondent.

PI Mr. Sachin Kamble (IO) a/w ASI Mr. Rewale attached to N. M. Joshi Marg Police Station, Mumbai are present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th MARCH 2026.

ORAL JUDGMENT :

1. Heard Ms. Lakshmi Raman, learned Advocate for the Petitioners, and Mrs. Anuja Gotad, learned A.P.P. for the State/Respondent.
2. Rule. Rule made returnable forthwith and by consent of the parties heard finally.
3. This Petition is filed by the Petitioners under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 482 of the Criminal Procedure Code, 1973), seeking to quash the First Information Report bearing C.R. No. 1064 of 2022 dated 26.11.2022, registered with N.M. Joshi Marg Police Station, Mumbai (hereafter “Impugned FIR”), for offences punishable under Sections 285 & 336 read with 34 of the Indian Penal Code, 1860 (hereafter “IPC”), and Sections 4, 7, 21, 4A & 21A of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereafter “COTPA”), and the charge-sheet, which is registered as Criminal Case No. 4140/PS/2023, pending before the Judicial Magistrate First Class, 13th Court, Bhoiwada at Sewree,

Mumbai, arising out of the impugned FIR.

4. The prosecution's case is that on 22.03.2020, the Enforcement Cell of the Crime Branch in Mumbai received confidential information indicating that objectionable activities were taking place at an establishment named “Epitome Global Dining And Bar” located at Mathuranandan Das Mill Compound, N.M. Joshi Marg, Lower Parel (West), Mumbai. Upon receiving this information, the Police conducted a raid. The allegations are that a hookah containing tobacco was being served at the establishment. It is also alleged that during the raid, about 120 persons, including management, staff, owners, and approximately 90 customers, were detained. The Petitioners were among these customers. A Panchanama was conducted, and objectionable items were found, leading to the registration of the impugned FIR.

5. Ms. Lakshmi Raman, learned Advocate for the Petitioners, submits that the allegations against the Petitioners pertain to their presence at the said establishment as “customers”. She argues that, apart from referring to the Petitioners as “customers” in the impugned FIR, there is no other allegation or material to establish the ingredients of the offences alleged against the Petitioners in the impugned FIR or the charge-sheet. She therefore seeks the court's indulgence to prevent abuse of the process of law.

6. Mrs. Anuja Gotad, learned A.P.P. for the Respondent-State, submits that the Petitioners are referred to as the “customers” in the impugned FIR and charge-sheet. She fairly submits that, apart from this reference, there is no other material or evidence

implicating the Petitioners in the crime.

7. Perused the records with the assistance of the learned Advocates for the parties.

8. As submitted by Ms. Lakshmi Raman, learned Advocate for the Petitioners, and confirmed by Mrs. Anuja Gotad, learned A.P.P. for the Respondent-State, the Petitioners are referred to as “customers” who were present at the establishment during the raid conducted by the Enforcement Cell, Crime Branch. The records before me do not indicate any other material collected by the Investigating Agency that even *prima facie* shows the ingredients of the offences punishable under the IPC, let alone any offences under the COTPA, as against the Petitioners. Mere presence of the Petitioners at the establishment without any material is not sufficient to attract the offences mentioned in the impugned FIR and the charge-sheet.

9. In the wake of the above, this Petition is allowed in terms of the prayer clause (a). Consequently, the impugned FIR and the charge-sheet registered as Criminal Case No. 4140/PS/2023, pending before the Judicial Magistrate First Class, 13th Court, Bhoiwada at Sewree, Mumbai, arising from the impugned FIR, are hereby quashed as against the Petitioners herein.

10. Rule made absolute in the above terms. No order as to costs.

[ASHWIN D. BHOBE, J.]