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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1171 OF 2025

Jhanvi Mehta]
Age : 24 years, Occ : Student]
Having her address at : 181, Sector 7,]
Gurugram – 122001, Haryana]...Petitioner.

Versus

1] The State of Maharashtra]
Through N. M. Joshi Marg]
Police Station, Mumbai]
2] Rashmi Sharad Halrankar]
Sakshi Park, No.2/D/201,]
Malewadi Stop, Matheran Road]
New Panvel, N. M. Joshi Marg,]
Brihanmumbai City, Mumbai]..Respondents

Mr.Pratik Thakkar a/w Mr. Sourabh Arora, Mr. Vikrant Singh
Negi and Adv. Ekta Tyagi i/by DSK Legal for the Petitioner.
Ms. Pallavi Dabholkar, APP for the Respondent/State.
PSI Anita K Sul, N.M.Joshi Marg Police Station, present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 25 March 2026

ORAL JUDGMENT :

1. Heard Mr. Pratik Thakkar, learned Advocate for the
Petitioner and Ms. Pallavi Dabholkar, learned APP for the
Respondent/State.

2. Rule. Rule made returnable forthwith and by consent of the parties heard finally.

3. This Petition is filed by the Petitioner 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 the 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 Petitioner was among these customers. A Panchanama was conducted, and objectionable items were found, leading to the registration of the impugned FIR.

5. Mr. Pratik Thakkar, learned Advocate for the Petitioner, submits that the allegations against the Petitioner pertain to her presence at the said establishment as “customer”. He argues that, apart from referring to the Petitioner as “customer” in the impugned FIR, there is no other allegation or material to establish the ingredients of the offences alleged against the Petitioner in the impugned FIR or the charge-sheet. He, therefore, seeks the Court’s indulgence to prevent abuse of process of law.

6. Ms. Pallavi Dabholkar, learned APP for the Respondent/State, submits that the Petitioner is referred to as the “customer” in the impugned FIR and charge-sheet. She fairly submits that, apart from this reference, there is no other material or evidence implicating the Petitioner in the crime.

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

8. As submitted by Mr. Pratik Thakkar, learned Advocate for the Petitioner, and confirmed by Ms. Pallavi Dabholkar, learned APP for the Respondent/State, the Petitioner is

referred to as “customer” who was 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 Petitioner. Mere presence of the Petitioner 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. Consequently, the impugned FIR bearing C.R.No.1064 of 2022 and the charge-sheet arising out of the impugned FIR are quashed against the Petitioner herein.

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

(ASHWIN D. BHOBE, J.)