



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 686 OF 2024

APPLICANT :- Md. Maqsood Md. Mansoor Parekh,
Aged 43 years, Occu: Business,
R/o at Post Korpana, Tq. Korlana,
Distt. Chandrapur.
..VERSUS..

RESPONDENTS :- 1) State of Maharashtra,
through Police Station Officer, Shirpur
Police Station, Shirpur, Tq. Wani, Dist.
Yavatmal.
2) Food Safety Officer, Food and Drug
Administration (M.S.), Yavatmal.

Mr. Shyamsundar Ajay Mohta, counsel for applicant.
Mr Ganesh U. Umale, APP for respondent/State.

CORAM : PRAVIN S. PATIL, J.
DATE : 05/02/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Mr. Shyamsundar Ajay Mohta, learned counsel for the applicant and Mr. Ganesh U. Umale, learned APP for respondent/State, the application is taken up for final hearing at the stage of admission.

2. The applicant herein, whose name was added by the prosecution while submitting the charge-sheet, approached before this Court for quashing and setting aside for the offence registered against him

in crime No. 278 of 2023 for the offence punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code, 1860, along with Sections 26(2), 27, 30(2)(a) and Section 59 of Food Safety and Standards Act, 2006, (for short 'FSSA, 2006')

3. The case of the prosecution, in short, is that on the information received by the Food Safety Officer that some contraband articles were found in the custody of Pravin Ambadas Gohokar, they have raided the spot and collected the contraband articles from his custody. During the course of investigation, it was revealed that the said articles were purchased by Pravin Ambadas Gohokar from the present applicant. On the basis of the statement recorded during the investigation, the name of the present applicant was added in the present offence and accordingly, the above said offence was registered against him in the matter.

4. The contention of the present applicant is that merely on the statement of a co-accused, the offence should not have been registered against him in the matter. Furthermore, it is not the case of the prosecution that they visited the place of the present applicant and seized any contraband articles from his custody. The only allegation is that there was telephonic communication between them, and on that basis, the offence is registered, which is not permissible and liable to be quashed and set aside.

5. The learned APP has strongly opposed the said application and stated that though his name is not found place in the FIR, during the investigation it was revealed that the contraband articles were purchased by the accused Pravin Ambadas Gohokar. Therefore, in order to complete the chain of events, the present applicant was made a co-accused in the matter, and during the course of trial, the same will be established by the prosecution.

6. Learned counsel for the applicant has relied upon the

documents collected by the Investigating Officer i.e. the Call Details Records (CDR), and specifically pointed out the same is not accompanied with a certificate required under Section 65(b) of the Indian Evidence Act.

7. It is seen from the allegations which are made against the present applicant, the chain of circumstances prima-facie seems to be not completed in the matter. It is stated in the charge-sheet that the applicant has purchased the contraband articles from other co-accused, however, there is no sufficient material to conclude that any material has been seized from present applicant in the matter. Therefore, it is clear only on the basis of statement of co-accused, his name has been added in the chargesheet.

8. This Court, in a catena of the cases, has taken the view that on the basis of statement of a co-accused, and particularly if no articles are seized from a person like the applicant, the offence under the provisions of Indian Penal Code as well as Food Safety and Standards Act, 2006 is not made out against the applicant. For that purpose, there needs to be specific evidence, as the provisions of FSSA, 2006 are stringent in nature.

9. Considering this settled principals of law and the facts of the present case, I am of the considered opinion that no offence is made out against the present applicant. Therefore, the offence registered against him is liable to be quashed and set aside. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The criminal proceeding vide Regular Criminal Case No. 04 of 2024 pending on the file of Judicial Magistrate First Class, Wani, District Yavatmal and Chargesheet No. 48 of 2023 along with Crime No. 278 of 2023, registered for the

offence punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code, 1860, Section 26(2), 27, 30(2)(a) and 59 of the Food Safety and Standard Act, 2006, are hereby quashed and set aside against Applicant only.

c] All pending application(s) stand disposed of.

10. Rule is made absolute in the aforesaid terms. No orders as to costs.

(PRAVIN S. PATIL, J)