



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 1043 OF 2024

Sachin S/o Nanaji Lekkalwar,
Aged 32 years, Occ. Tour and Travels,
R/o Pombhurna, Tq. Pombhurna,
Dist. Chandrapur.

APPLICANT

Versus

State of Maharashtra,
Thr. Police Station Officer, Mul Police
Station, Tq. Mul & Dist. Chandrapur.

NON-APPLICANT

Mr. S.A. Mohta, Advocate for the Applicant.
Ms. M.A. Barabde, APP for the Non-applicant/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 16th MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned
Counsel for the respective parties.

3. The present Application is preferred by the Applicant under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report in connection with Crime No.204/2024 registered with Police Station Mul, District Chandrapur for the offences punishable under Sections 188, 273, 328 of the Indian Penal Code and Sections 26(2)(iv), 30(2)(a), 3, 4 and 59(i) of the Food Safety and Standards Act, 2006 and consequent proceeding arising out of the same bearing R.C.C. No.17/2026.

4. Heard learned Counsel for the Applicant, who submitted that the crime is registered on the basis of a report lodged by Kishor Damodhar Vairagade on an allegation that during patrolling duty they have received the secret information and on the basis of said information, they have conducted the raid in a shop of co-accused and during raid the contraband article i.e. scented nuts are found worth of Rs.21,340/-. He submitted that as far as present Applicant is concerned his name is not mentioned in the FIR, merely on the basis of the statement of the co-accused during the investigation he is implicated. In addition to that prosecution has relied upon the

CDR reports and only one call is between the present Applicant and the other co-accused, which is not sufficient to attract the offence against the present Applicant. In view of that, the Application deserves to be allowed.

5. *Per contra*, learned APP strongly opposed the said contention and submitted that, during enquiry with the co-accused the name of the present Applicant is revealed. The CDR reports are also collected, which indicates the connection between the present Applicant and the co-accused. In view of that, the Application deserves to be rejected.

6. After hearing both the sides and on perusal of the entire investigation papers, it reveals that in view of the secret information the raid was conducted and while conducting the raid, the co-accused was found in possession of the contraband articles i.e. scented nuts, tobacco etc. During enquiry with him and during investigation the name of the present Applicant reveals. Admittedly, the statement of the co-accused is not recorded by the Investigating Agency, however, the CDR reports are collected. From the CDR reports, it reveals that one call is between the present Applicant and the other co-accused. Thus,

from the investigation papers it reveals that, except the statement of the co-accused and the CDR reports, wherein it reveals that there was one call between the present Applicant and other co-accused, there is no material to connect the present Applicant with the alleged offence. Moreover, the Investigating Officer has not conducted any investigation to ascertain whether really the present Applicant was connected with the supply of contraband articles or not.

7. The law relating to quashing of the FIR was explained by the Hon'ble Apex Court in the case of ***State of Harayana & Ors. Vs. Ch. Bhajan Lal & Ors., 1992 AIR 604***, while considering the Application under Section 482 of Cr.P.C., which reads as under:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the

same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

8. In view of the above parameters, except the CDR report wherein only one call is shown to be between the present Applicant and the other co-accused, which is not sufficient to connect the present Applicant with the alleged offence. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed**.
 - ii. The First Information Report in connection with Crime No. 204/2024 registered with Police Station Mul, District Chandrapur for the offences punishable under Sections 188, 273, 328 of the Indian Penal Code and Sections 26(2)(iv), 30(2)(a), 3, 4 and 59(i) of the Food Safety and Standards Act, 2006 and consequent proceeding arising out of the same bearing R.C.C. No.17/2026, are hereby quashed and set aside to the extent of the present Applicant.
9. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)