



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

CRIMINAL APPLICATION (APL) NO. 1060 OF 2025

Pravinbhai Premjibhai Thakkar,
Aged 50 years, Occ. Business,
R/o. Plot No. 64, Nandanwan Road,
Opposite KDK College, Venkatesh
Nagar, Nagpur, Tq. & Dist. Nagpur. **APPLICANT**

Versus

1. State of Maharashtra,
Through PSO Nagpuri Gate,
District Amravati.
2. Food Safety Officer,
Food And Medical Administration,
Maharashtra State, District Amravati. **NON-APPLICANTS**

Mr. P.V. Navlani, Advocate for the Applicant.
Mr. A.M. Joshi, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 24th FEBRUARY, 2026.

ORAL JUDGMENT :-

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned Counsel for the Applicant and learned APP for the Non-applicant No.1/State.

3. The present Application is preferred by the Applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing of the First Information Report in connection with Crime No.184/2025 registered with Police Station Nagpuri Gate, District Amravati for the offences punishable under Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita (BNS) 2023 and Sections 26(2), 30(2) (a), 59 of the Food Safety and Standards Act, 2006.

4. The crime is registered on the basis of a report lodged by the Complainant Gajanan Wamanrao Gore stating that, he is working as Food Safety Officer, Amravati. On 27.05.2025, on the basis of secret information he carried out raid at one godown which was situated at Transport Nagar, Walgaon and found prohibited articles namely ritik sweet supari worth Rs. 2,11,680/- stored in the shop namely Diamond Star Transport Company Transport Nagar Walgaon Road Amravati. One Abdul Salim Abdul Kadar was found in occupation of the

said shop. Hence, he was taken into custody and during investigation the name of the present Applicant and his involvement is revealed, and therefore the crime is registered against him.

5. Heard learned Counsel for the Applicant, who submitted that, except the statement of co-accused there is no material to connect the present Applicant. In fact, the Investigating Agency has recorded the statement of the present Applicant during investigation, wherein the present Applicant has specifically narrated that he is not concerned with or connected with the business of any prohibited articles under the Food Safety and Standards Act. He submitted that, except the statement of the co-accused, which is not admissible in the evidence, no other investigation is carried out to ascertain whether the present Applicant is any way concerned with the business of betel nuts or any prohibited contraband articles. In view of that, he prays for quashing of the FIR.

6. *Per contra*, learned APP strongly opposed the said contention and submitted that, on the basis of the statement of

the co-accused, the investigation was carried out and the involvement of the present Applicant revealed. In view of that, the Application deserves to be rejected.

7. On hearing both the sides and on perusal of the entire investigation papers which were made available by the learned APP for the purpose of perusal it reveals that except the statement of the co-accused there is absolutely no material to connect the present Applicant with the alleged offence. In fact, the Investigating Officer has not carried out any investigation to ascertain whether the present Applicant is any way concerned with the business of prohibited articles i.e. contraband articles i.e. Pan Masala and Betel Nuts etc. Only on the basis of the CDR Reports it appears that, the present Applicant is implicated as an accused. The statement of the co-accused which is not admissible in the evidence and on that basis the prosecution or further proceeding against the present Applicant would be an abuse of the process of law. 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. 184/2025 registered with Police Station Nagpuri Gate, District Amravati for the offences punishable under Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita (BNS) 2023 and Sections 26(2), 30(2)(a), 59 of the Food Safety and Standards Act, 2006, is hereby quashed and set aside to the extent of the present Applicant.
8. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte