



Judgment

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

CRIMINAL APPLICATION APL NO.1415 OF 2025

Washim s/o Akhtar Jimari, aged 39 years,
occupation: business, r/o near Memon Jamat
Khana, Ambekar Layout, Chandrapur,
district Chandrapur. **Applicant.**

:: V E R S U S ::

1. State of Maharashtra,
through Police Station Officer,
Chandrapur City Police Station,
Chandrapur, district Chandrapur.

2. Food Safety Officer, Food and Drug
Administration (MS), Chandrapur. **Non-applicants.**

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Shri A.A.Dhawas, Counsel for the Applicant.

Shri K.R.Lule, APP for NA No.1/State.

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 10/03/2026

ORAL JUDGMENT

1. Heard learned counsel appearing for the respective
parties. **Admit.** Heard finally by consent.

2. By this application, the present applicant is seeking
quashing of FIR in connection with Crime No.203/2023

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registered with non-applicant No.1 police station for offences under Sections 188, 273, and 328 of the IPC and under Sections 30(2)(a), 26(2)(i), 26(2)(iv), and 59 of the Food Safety and Standard Act, 2006.

3. The crime is registered on the basis of a report lodged by Girish Trimbak Satkar serving in the Assistant Commissioner's Office on allegations that he is serving as Food Safety Officer which comes under the ambit of "public servant" in view of provision of Section Section 87 of the Food Safety Act. It is alleged that on 28.3.2023, at about 1:30 pm, he along with pancha witness has visited "M/s.Bele Pan Material and Kirana Shop" and after inspection, he found prohibited food as per the State Government's Notification dated 15.7.2022. Accordingly, the stock of prohibited food was seized and panchanama was drawn. Owner of the Shop, namely Premkumar Bele, was interrogated and he disclosed that he procured the said material from the present applicant.

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On the basis of the said statement, the applicant is arrayed as accused.

4. After registration of the crime, investigation was carried out and after completion of the investigation, chargesheet was submitted against the applicant.

5. Learned counsel for the applicant submitted that except statement of co-accused, there is absolutely no material to connect the applicant with the alleged offence. The statement of co-accused is not admissible and, therefore, there is no *prima facie* material collected during the investigation to show involvement of the applicant in the alleged offence.

In view of that, the FIR deserves to be quashed.

6. *Per contra*, learned APP for the State strongly opposed the said contentions on the ground that during the investigation, involvement of the applicant is revealed and, therefore, the application deserves to be rejected.

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7. After hearing both the sides and perusing the entire investigation papers, it reveals that during the raid, the co-accused was found in possession of the contraband articles and, therefore, he was enquired as to from which place he has procured the said contraband articles and it revealed that the applicant has supplied the said contraband articles.

8. Thus, investigation papers reveals that, except the statement of the co-accused, there is no material to connect the applicant with the alleged offence. Moreover, the investigating officer has not conducted any investigating to ascertain whether really the applicant was connected with supply of contraband articles or not.

9. The law relating to quashing of FIRs was explained by the Hon'ble Apex Court in the case of **State of Haryana and ors vs. Bhajan Lal and ors, reported in 1992 Supplementary (1) SCC 335** wherein principles have been laid down which are required to be considered while considering applications for quashing of the FIRs, which read as under:

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“(a) 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;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. 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;

(c) 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;

(d) 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;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent

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person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) 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;

(g) 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.”

10. In view of the above parameters, as no *prima facie* is made out against the , the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

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(2) FIR in connection with Crime No.203/2023 registered with non-applicant No.1 police station for offences under Sections 188, 273, and 328 of the IPC and under Sections 30(2)(a), 26(2)(i), 26(2)(iv), and 59 of the Food Safety and Standard Act, 2006 and consequent proceeding arising out of the same bearing Sessions Case No.122/2024 pending on the file of learned 4th Additional Sessions Court, Chandrapur, district Chandrapur are hereby quashed and set aside to the extent of present applicant Washim s/o Akhtar Jimari.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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