



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

CRIMINAL APPLICATION (APL) NO.1517 OF 2025

PETITIONER :- Abdul Hafiz s/o Abdul Sattar,
Age 39 years, Occu: Contractor,
R/o Mominpura, Tah. Wani,
District Yavatmal.

..VERSUS..

RESPONDENT :- The State of Maharashtra,
through its Police Station Wani,
District Yavatmal.

Mr. N.R. Saboo, counsel for petitioner.
Ms. H.N. Prabhu, APP for respondent/State.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 06/03/2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally by consent of learned counsel appearing for the parties.
3. The present application is filed by applicant for quashing of the FIR in connection with Crime No. 473/2025 registered at Police Station Wani, District Yavatmal, for the offence punishable under Section 12-A of the Maharashtra Prevention of Gambling Act, 1887, and Section 49 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the consequent

proceedings arising out of the same bearing Summary Criminal Case No. 782/2025.

4. The crime is registered on the basis of a report lodged by the Police Officer- Haribhau Baliram Dalve on an allegation that when he was on patrolling duty, he received the secrete information that some persons were playing gambling near a public toilet. Therefore, he conducted a raid, wherein 4 to 5 persons are found at the said spot playing the gambling. They were taken into custody along with the articles found with them.

5. It is alleged that the present applicant was the person running the said gambling activity. On the basis of the said report, the crime was registered. During the investigation, the Investigating Officer recorded the statements of relevant witnesses and, after completion of the investigation, submitted a charge-sheet against the present applicant.

6. Heard learned counsel for the applicant, who submitted that the entire investigation papers nowhere show that the present applicant was running the said gambling activity. He submitted that he was not found at the spot itself. Merely on the suspicion, he is implicated in the alleged offence. He invited my attention towards the various statements recorded by Investigating Officer and submitted that none of the statements disclose the involvement of the present applicant in the alleged offence.

7. He submitted that though prosecution relied upon one communication of the Wari Nagar Parishad, but it is in respect of running the public toilet on "pay and use" basis. The alleged incident did not occur inside the said public toilet. Therefore, the applicant cannot be held responsible for the same, and in absence of the evidence, the application deserves to be allowed.

8. Per contra, learned APP strongly opposed the said contention and submitted that there are similar types of the offence registered against the present applicant, and that it was present applicant who is running the said activity. In view of that application, deserves to be rejected.

9. Heard learned counsel for the applicant and learned APP for the respondent/State. Perused the entire investigation papers. On perusal of the entire investigation papers, it appears that the name of the present applicant is mentioned in the FIR only to the extent that the said activity is run by the present applicant. However, in support of the said contention, no specific investigation is carried out by the investigating officer.

10. Admittedly, the alleged incident of gambling has not taken place in the public toilet which is given to the present applicant on a “pay and use” basis. Thus, none of the statements discloses that the present applicant was present at the time of the alleged incident. Thus, there is absolutely no material collected during the investigation to show that it was the present applicant who was running the said activity.

11. In absence of any evidence, no prima-facie case is made out against the present applicant. Therefore, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The FIR in connection with Crime No. 473/2025 registered at Police Station Wani, District Yavatmal for the offence punishable under Section 12-A of the Maharashtra Prevention of Gambling Act, 1887 and Section 49 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the

consequent proceedings arising out of the same Summary Criminal Case No. 782/2025 is hereby quashed and set aside to the extent of the present applicant.

12. The criminal application is **disposed of**.

(URMILA JOSHI PHALKE, J.)