



Judgment

27 apl392.26

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

CRIMINAL APPLICATION APL NO.392 OF 2026

1. Ravi s/o Tukaramji Nalat, aged 45
years, occupation: agriculturist, r/o Sai
Nagar, behind Saraswati School,
Akot, taluka Akot, district Akola.

2. Laxman @ Kalu Jethanand Lalwani,
aged about 53 years, occupation: business,
r/o Kacchi Kholi, Sindhi
Camp, Akola, taluka and district Akola. **Applicants.**

:: VERSUS ::

State of Maharashtra, through
Police Station Officer / ASI, Akot
Gramin Police Station, Akot, district
Akola. **Non-applicant.**

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Shri S.A.Mohta, Counsel for Applicants.
Shri K.R.Lule, APP for the NA No.1/State.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **25/03/2026**

ORAL JUDGMENT

1. Heard learned counsel for applicants and learned APP
for the non-applicant/State. **Admit.** Heard finally by consent.

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2. By this application, applicants are seeking quashing of FIR in connection with Crime No.346/2023 registered with the non-applicant police station for offences under Sections 188, 272, 273, and 328 of the IPC and under Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e), and 30(2) of the Food Safety and Standard Act, 2006 and Rules 2011 and consequent proceeding arising out of the same bearing Sessions Trial No.67/2025 pending on the file of learned Additional Sessions Judge-1, Akot, district Akola.

3. The crime is registered on the basis of a report lodged by Manoj Pandurang Kolhatkar (the complainant) serving as Police Officer on allegations that he received a secret information and on the basis of the said secret information, he has intercepted a vehicle “Mahindra Bolero Pick-UP bearing registration No.MH-30/BD/2001”. On intercepting the said vehicle, in presence of panchas, the vehicle was searched and contraband articles of Rs.2,00,925/- were found including scented tobacco, scented nuts, and other contraband articles

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prohibited in the State of Maharashtra. On the basis of the said report, the police have registered the crime and the offence was registered against co-accused namely Abdul Sadik Abdul Rafique, Mazar Ali Ayub Ali, and Ravi Nalat.

4. After registration of the crime, investigation started rotating. During the investigation, the accused persons were interrogated and during interrogation with the other co-accused, names of present applicants were revealed and, therefore, present applicants are arrayed as accused.

5. Learned counsel for applicants submitted that except statement of co-accused, there is absolutely no material to connect present applicants with the alleged offence. No investigation is carried out to show that present applicants are dealing with any contraband articles and dealing with the business of supplying the said contraband articles. Thus, except the statement of co-accused, there is no material collected during the investigation and, therefore, the application deserves to be allowed.

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6. *Per contra*, learned APP for the State has strongly opposed the said contentions and submitted that the statement of the co-accused reveals involvement of present applicants in the alleged offence and, therefore, the application deserves to be rejected.

7. After considering rival submissions of both the parties and perusing the investigation papers, it reveals that on the basis of the statement of the co-accused, that he procured the said contraband articles from the present applicants, the present applicants are arrayed as accused. During the investigation, nothing is revealed as far as any connection between the present applicants and other co-accused and they are dealing with the said contraband articles.

8. Thus, even if learned APP for the State submitted that on the basis of the statement of the co-accused offence is registered against present applicants, the entire chargesheet nowhere demonstrates that what other material has been collected by the investigating agency. The prosecution further

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could not show that present applicants are the persons who have supplied the said contraband articles. The prosecution could not show that present applicants have any concern with the business of the said contraband articles.

9. As such, in absence of any material on record against present applicants, the prosecution, under the offences registered, as alleged, against them, would be an abuse of process of law.

10. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

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

(2) FIR in connection with Crime No.346/2023 registered with the non-applicant police station for offences under Sections 188, 272, 273, and 328 of the IPC and under Sections 26(2) (i), 26(2)(iv), 27(3)(d), 27(3)(e), and 30(2) of the Food Safety and Standard Act, 2006 and Rules 2011 and

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consequent proceeding arising out of the same bearing Sessions Trial No.67/2025 pending on the file of learned Additional Sessions Judge-1, Akot, district Akola are hereby quashed and set aside to the extent of present applicants Ravi s/o Tukaramji Nalat and Laxman @ Kalu Jethanand Lalwani.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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