



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

CRIMINAL APPLICATION(APL) NO. 1052 of 2026

(Faisal Wahab Isani & anr. Vs. State of Maharashtra, through Police Station Officer, Police Station Pusad City, Pusad Dist. Yavatmal) and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders,
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.A. Mohta, Counsel for Applicant
Mr. N.S. Autkar, APP for State/Respondents

CORAM: MRS. VRUSHALI V. JOSHI, J.
DATE: 05/05/2026

1. The applicant has filed the present application for quashing and setting aside of the First Information Report, charge-sheet and consequential criminal proceedings initiated against him for the offences punishable under the Sections 188, 272, 273 and 328 of the Indian Penal Code read with Sections 26(2)(i), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006 and Rules, 2011.
2. The contraband articles were seized upon receipt of information, and thereafter a complaint was lodged by the complainant, namely the Food Safety Inspector. Offences under the relevant provisions of the Indian Penal Code were also registered against the applicant.
3. The prosecution case, in brief, is that one Shri Ghanshyam Punjabrao Dande, Food Safety Officer, lodged a complaint based on which Crime No.12/2024 dated 09/01/2024 came to be registered against the present applicants and other accused persons for the

offences punishable under Indian Penal Code read with Food Safety and Standards Act, 2006 and Rules, 2011. It is alleged that on 09/01/2024, the complainant received information from Shri Pankaj Atulkar, Assistant Superintendent of Police and Sub-Divisional Police Officer, Pusad, pursuant to which he reached the Sub-Divisional Police Office, Pusad along with panch witnesses. The prosecution case further reveals that on 08/01/2024 at about 09:00 p.m., acting on secret information, the police team reached Madina Chowk, Pusad, within the jurisdiction of Pusad City Police Station and found two persons loading sacks into an Ape rickshaw parked near a shop/godown. Upon noticing the police, one person fled from the spot, while the other, on inquiry, disclosed his identity as Firoz Khan Ayub Khan Pathan and stated that he was loading prohibited food articles such as scented tobacco, gutka and pan masala, which are banned by the State Government. Consequently, the said person was taken into custody and the vehicle bearing registration No.MH-29/M-3625 along with the godown/shop was searched.

It is further alleged that during the inspection, stock of prohibited/contraband food articles was found and seized as the sale of such items is banned in the State of Maharashtra. At the relevant time, the present applicants were not present at the spot; however, during inquiry, the co-accused allegedly disclosed their names as owners of the godown and the contraband articles, on the basis of which the applicants came to be implicated in the present crime. According to the prosecution, the applicants had contravened the

State Government notification, thereby causing serious alarm to society and committing the aforesaid offences. Upon completion of investigation, charge-sheet No.497/2024 dated 28/08/2024 came to be filed before the learned Judicial Magistrate First Class, Pusad, which was registered as RCC No.459/2024 and, since the offence under Section 328 of the Indian Penal Code is triable by the Court of Session, the case was committed and registered as Sessions Case No.19/2025, which is presently pending before the learned Additional Sessions Judge, Pusad, District Yavatmal.

4. Learned counsel for the applicant submitted that the present issue is covered by the judgment of this Court in Criminal Application (APL) No. 1776 of 2025. It was contended that, in view of the observations made therein, the provisions of the Indian Penal Code would not be attracted when a special enactment governs the field. Furthermore, it was argued that the mandatory procedure prescribed under the Food Safety and Standards Act, 2006, was not followed while registering the FIR.

5. In view of the observations made by this Court in Criminal Application (APL) No.1776 of 2025 and considering that the controversy involved in the present matter is squarely covered by the said judgment, the First Information Report bearing Crime No.12/2024 dated 09/01/2024 registered with Police Station Pusad City, District Yavatmal, along with the charge-sheet No.497/2024 dated 28/08/2024 culminating into RCC No.459/2024 and Sessions Case No.19/2025 pending before the learned Additional Sessions

Judge, Pusad, for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code read with Sections 26(2)(i), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006 and Rules, 2011, are hereby quashed and set aside.

6. The application is allowed in the above terms and disposed of.

JUDGE

Kavita