



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

CRIMINAL APPLICATION(APL) NO. 1097 of 2026

(Wahid Khan S/o Jahangir Khan Vs. State of Maharashtra, Through Police Station Officer, Civil Line Police Station, Akola Tq, Dist. Akola and anr.)

WITH

CRIMINAL APPLICATION(APL) NO. 1101 of 2026

Wahid Khan S/o Jahangir Khan Vs. State of Maharashtra, Through Police Station Officer, Ramdaspath Police Station, Akola Tq, Dist. Akola and anr.)

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

Mr.S.A.Mohta, counsel for the applicant.

Mr.K.R.Lule, APP, for the Respondents

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATE: 07 /05/2026

Common order

1. Though the facts of the present applications arise out of separate incidents, the common legal issue involved in both the matters is covered by the judgment of this Court in Criminal Application (APL) No.1776 of 2025. Therefore, in view of the observations made therein, the respective FIRs, charge-sheets and consequential criminal proceedings initiated against the applicants deserve to be quashed and set

aside; both these applications are decided by a common order.

2. The applicants in the present group of applications have approached this Court seeking to quash and set aside the respective First Information Reports, charge-sheets and consequential criminal proceedings initiated against the alleged under Section 87 of the Food Safety and Standards Act, 2006, lodged a complaint based on which Crime No.408/2014 dated 06/11/2014 along with Crime No. 204/2019 dated 22/05/2019 came to be registered against the applicant and other accused persons for the offences punishable under Sections 188, 273 and 328 of the Indian Penal Code read with Sections 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

3. 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.

4. The prosecution's case in ***Criminal Application (apl) no. 1097 of 2026***, in brief, is that respondent No.2 – Shri Nitin Mahadeorao Nawalkar, Food Safety Officer, who is a public servant stated that, on 06/11/2014 at about 1:00 p.m., the

complainant received telephonic information from PSI A.P. Khodewad attached to the Special Squad, Akola, pursuant to which the complainant visited the premises of the Local Crime Branch Office, Akola, where one Vitthal Kanoji Bunde was allegedly found in possession of prohibited food articles. It is alleged that during the inquiry, accused No.1 disclosed that PSI Khodewad had intercepted a Tata-S vehicle bearing registration No.MH-30/AB-2643 was stationed in front of a warehouse situated opposite General Transport, MIDC No.4, Transport Nagar, Akola, while prohibited food articles were being loaded therein. He further alleged that accused No.1 disclosed the name of the present applicant as the person to whom the contraband food articles belonged and further informed the authorities that adjacent godowns belonging to Ashish Agarwal and Ghanshyam Agarwal were also accessible to him.

Pursuant thereto, the police authorities allegedly broke open the locks of the adjoining warehouses and conducted searches, during which prohibited food articles banned under the State Government notification dated 15/07/2014 were allegedly found and seized from the premises. At the relevant time, the applicant was admittedly not present at the spot; however, his name allegedly surfaced during the inquiry

conducted with the co-accused persons. According to the prosecution, the applicant had contravened the State Government notification prohibiting such food articles and thereby caused serious alarm to society, resulting in registration of the aforesaid crime against him and other accused persons, pursuant to which RCC No.368/2022 came to be registered and is presently pending before the learned Chief Judicial Magistrate, Akola.

Similarly, in ***Criminal Application(Apl) No. 1101 of 2026***, according to the prosecution, on 20/05/2019, the complainant received a written communication from P.I. Shri Bahakar attached to the Special Squad, Office of the Superintendent of Police, Akola, regarding transportation and seizure of prohibited food substances by the police authorities. Pursuant thereto, the complainant, along with the panch witnesses, visited the Office of the Superintendent of Police (Special Squad), Akola, for further proceedings. It is alleged that on 18/05/2019 at about 07:00 a.m., while on patrolling duty near Mashumsha Chowk, Akola, the police intercepted a truck bearing registration No.HR-38/W-6043, from which prohibited food articles were allegedly being transferred into the Bolero Pickup vehicle bearing registration

No.MH-30/BD-1687 and the Mahindra Jeeto vehicle bearing registration No.MH-30/BD-785.

The prosecution further alleges that the police apprehended the accused persons along with the stock of prohibited food substances and the vehicles allegedly used in the commission of the offence and brought them to the office premises. Thereafter, the complainant introduced himself as the Food Safety Officer to the apprehended accused persons and carried out the necessary proceedings in the presence of the panch witnesses. Admittedly, the present applicant was not present at the place of seizure; however, during inquiry, the apprehended accused persons allegedly disclosed the name of the applicant, based on which he came to be implicated in the present crime. According to the prosecution, the applicant had contravened the State Government notification prohibiting such food articles, thereby causing serious alarm to society and committing the aforesaid offences. Thereafter, at the insistence of the complainant, the concerned Police Station Officer registered the aforesaid offence against the applicant and other accused persons, pursuant to which RCC No.75/2023 came to be registered and is presently pending before the learned Chief Judicial Magistrate, Akola.

5. 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.

6. 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 group of matters is substantially identical, the respective FIRs, charge-sheets and consequential criminal proceedings initiated against the applicants deserve to be quashed and set aside. Accordingly, the First Information Reports bearing Crime No.408/2014 dated 06/11/2014 and Crime No.204/2019 dated 22/05/2019, registered based on complaints lodged by the Food Safety Officer (a public servant within the meaning of Section 87 of the Food Safety and Standards Act, 2006), for the offences punishable under Sections 188, 273 and 328 of the Indian Penal Code read with Sections 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act,

2006 and Rules, 2011, along with the consequent charge-sheets and criminal proceedings arising therefrom, are hereby quashed and set aside.

7. The applications are allowed in the above terms and disposed of.

JUDGE

Kavita