IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.896 OF 2025

Gaffar Makdum Shaikh,
Age 44 years, Occ. Labour,
R/o Old Railway Station Parali,
Tq. Parali, Dist. Beed. ..Applicant

Versus

1. The State of Maharashtra,
Through The Police Inspector,
Majalgaon Rural Police Station
Tq. Majalgaon, District Beed.

2. Mr. Babasaheb Rangnath Bangar,
Age 48 years, Occ. Police Constable,
B.No. 39, SDPO Kaij,
R/o. Sub-Divisional Office Police, Kaij,
Tq. Kaij, District Beed. ..Respondents

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Mr. Sharad S. Solanke, Advocate for Petitioner.
Mr. S. P. Joshi, AGP for Respondent-State.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th JUNE, 2026.

JUDGMENT:-

1. The applicant seeks quashment of FIR No.56/2022 dated 31.03.2022 registered with Police Station Majalgaon (Rural), District Beed for offence punishable under Sections 328, 272, 273, 34 of Indian Penal Code as well as consequential proceeding in RCC No.4/2023 pending before the Judicial Magistrate First Class, Majalgaon, District Beed.

2. The investigation was set in motion on the basis of information given by respondent no.2 alleging that on 30.03.2022

2026:BHC-AUG:23989

he was summoned by Deputy Superintendent of Police, Kaij and informed that as per secret information, contraband (Gutkha) is stored in a Tin-shed adjacent to house of one Momin Shafik at Patrud. Accordingly, informant was asked to proceed to spot alongwith police personnel and panch witnesses to carry raid. In pursuance of such instructions, tin-shed was raided and contraband (Gutkha) worth Rs.4,22,180/- has been seized. Similarly, contraband worth Rs.28,26,710/- was seized from a field at Lavul road. The suspect Momin Shafik Abdul Majid was arrested alongwith his companion. On the basis of such information, Crime No.0056/2022 dated 30.03.2022 has been registered with Police Station Majalgaon (Rural).

3. The investigation progressed. On conclusion of investigation, charge-sheet has been filed against in all ten accused persons including applicant for the offences punishable under Sections 328, 272, 273, 34 of the Indian Penal Code.

4. Mr. Sharad S. Solanke, learned Advocate appearing for applicant submits that applicant has been falsely implicated in aforesaid crime. He would point out that name of applicant is recorded in FIR on basis of information given by accused Momin @ Babu, who alleges that contraband namely Rajnivas Gutkha has been procured from Gutkha Manufacturer at Jalgaon through applicant. He would, therefore, submit that charge-sheet nowhere

2026:BHC-AUG:23989

discloses involvement of applicant in commission of offence. There is absolutely no evidence to show complicity of applicant in commission of offence.

5. Mr. S. P. Joshi, learned APP appearing for respondent-State strongly opposed application.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it is apparent that on the basis of secret information, police party raided premises situated at Patrud, Tq. Majalgaon. The suspect namely Momin @ Babu was arrested on spot alongwith contraband i.e. Gutkha. The First Information Report further stipulates that suspect Momin @ Babu Shafik Abdul Majid informed about source of contraband procured by him. So far as contraband namely Rajnivas Gutkha is concerned, he states that it was procured through applicant from Manufacturer at Jalgaon.

7. Perusal of charge-sheet would show that police authorities have not carried out any investigation to verify correctness of information. None of witness cited in charge-sheet stipulates role of applicant in commission of offence. The arrested accused was subjected to police custody. However, material information could not be gathered to connect applicant with commission of offence. The statement of arrested accused attributing link of applicant is

2026:BHC-AUG:23989

not made part of charge-sheet. The stipulation in FIR does not find support from contents of charge-sheet. Even otherwise, statement of co-accused alleged to have been given before police would not constitute evidence sufficient for prosecution against applicant.

8. Since charge-sheet sans requisite material to proceed against applicant, there is no reason to permit continuation of criminal prosecution against him. In result, criminal application succeeds. Hence, following order is passed.

ORDER

a. Criminal Application is allowed.

b. The First Information Report No.56/2022 dated 31.03.2022 registered at Police Station Majalgaon (Rural), District Beed for offences punishable under Sections 328, 272, 273, 34 of Indian Penal Code as well as consequential proceeding in RCC No.4/2023 pending before Judicial Magistrate First Class, Majalgaon District Beed, are hereby quashed and set aside as against applicant-Gaffar Makdum Shaikh.

c. Criminal Application stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2026