

# Shankarlal S/O. Chandulal Tanwani vs The State Of Maharashtra Thr. Its ... on 9 February, 2024

**Author: Vinay Joshi**

**Bench: Vinay Joshi**

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

CRIMINAL APPLICATION (APL) NO. 248 OF 2024  
Shankarlal S/o Chandulal Tanwani  
Vs.

State of Maharashtra, thru. Officer-in-charge, PS Seloo, Dist. Wardha and anr.

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

Court's or Judge's Ord

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Mr. S.D. Dewani, Advocate for applicant.  
Mr. Anup Badar, APP for respondent/State.

CORAM : VINAY JOSHI, AND  
SMT.VRUSHALI V.JOSHI, JJ.

DATE : 09.02.2024

Heard.

2. This is an application seeking to quash FIR in Crime No.934/2023 registered with Seloo Police Station, District - Wardha, for the offence punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of the Food Safety and Standards Act, 2006.

3. The applicant is a trader from State of Madhya Pradesh indulging into sale of grocery items. It is primely canvassed that in the State of Madhya Prity 2/3 916.apl248.2024 Pradesh there is no prohibition on sale or possession of scented tobacco. It is informed that one person [co-accused] was found selling some prohibited items in the State of Maharashtra, who disclosed that he has purchased the said items from the applicant, who is doing the business in the State of Madhya Pradesh.

4. The learned Counsel for the applicant submits that since there is no prohibition at State of Madhya Pradesh, the alleged offence would not have been invoked. In support of said contention, reliance is placed on the decision of this Court in Criminal Application (APL) No.1394/2023 Shankarlal Chandulal Tanwani .vrs. State of Maharashtra and another decided on 15.01.2024.

5. Learned counsel appearing for applicant has invited our attention to the order of this Court dated 02.02.2024 passed in Criminal Application (APL) No.187/2024 wherein under similar facts this Court has granted additional protection to the bail applicants.

6. In view of above, issue notice to non- applicants, returnable on 15.03.2024. Learned A.P.P. waives notice for non-applicants.

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7. In the meanwhile, though

prosecution may continue with their investigation, but, charge sheet should not be filed without obtaining prior permission of this Court.

8. Also in the meanwhile, in view of earlier decision of this Court and considering the peculiar facts, no coercive steps be taken against the applicant till the returnable date.

(SMT. VRUSHALI V. JOSHI, J) (VINAY JOSHI, J) Signed by: Mrs. PrityPrity Gabhane Designation: PA To Honourable Judge Date: 13/02/2024 10:52:49