



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

916 CRIMINAL APPLICATION NO. 709 OF 2024

1. Shaikh Wajed S/o. Shaikh Yunus
2. Shaikh Nasir S/o. Shaikh Puddu ..Applicants

Versus

The State of Maharashtra and Another ..Respondents
.....

Shri. Sharad S. Solanke h/f. Shri. Mahesh P. Kale, Advocate for Applicants
Smt. M. L. Sangit, APP for Respondent – State.
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CORAM : NEERAJ P. DHOTE, J.

Dated : JUNE 18, 2026

PER COURT :-

. This is the Application under Section 482 of the Code of Criminal Procedure, 1973, (for short, 'Cr.P.C.') for quashing the FIR No.131 of 2023 registered with Majalgaon Police Station (City), Tal. Majalgaon, Dist. Beed for the offences punishable under Sections 153A, 188, 294, 295A, 298, 505(2) r/w. Sec. 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951, and consequential Regular Criminal Case No.226 of 2023, pending before the learned Judicial Magistrate First Class, Majalgaon. The aforesaid Crime is registered on the Report lodged by Respondent No.2 - Police Officer.



2. It is the Prosecution's case that, at Dr. Abmedkar's square at Majalgaon, which was the public place, the banner condemning death of Atiq Ahmed and Ashraf Ahmed in the State of U.P. was displayed with the following matter:

“मर्डर ऑफ आतंक, डेथ ऑफ डेमोकॅसी ते हिंदु नाहि गांडु आहेत.” लोकतंत्रा चा खुन करून दिवसा धावडया पोलीस कस्टडीत गोळया जाळून हत्या जाहिर निषेध !... जाहिर निषेध !...जाहिर निषेध!; “पिंजेरेमे बंद शेर का शिकार किया है ... कभी खुले शेर को शिकार करना तुम्हारी नस्ले तबाह हो जाएंगी ईशाअल्लाह” “किसकी थी ईतनी हिंमत जो छेड़ता उस दिलेर को यार गर्दिश में तो मार देते है कुत्ते भी शेर को” त्याखाली मोहसिन भैय्या पटेल मित्रमंडळ असे लिहीलेले अशा प्रकारचे दोन धर्मांमध्ये तेढ, शत्रुत्वाची, व्देषाची भावना निर्माण करणारे, धार्मिक भावना दुखावण्याच्या उद्देशाने, धर्माबाबत अशिल्ल शब्द असलेले विधानांचे लेखन रंगीत प्रिंट केलेले सुमारे १५ फुट बाय १० फुट लांबी रुंदीचे बॅनर आरोपीत क. अ-०१ व अ-०२ व अ-०४ यांनी संगणमताने आरोपीत क अ ०३ याच्या बॅनर प्रिंटींगमशिनवर बनवून ते बॅनर अ-०१, अ-०२, अ-०३ अ-०४ यांनी संगणमताने मा.जिल्हादंडाधिकारी सों, जिल्हा बीड यांचे महाराष्ट्र पोलीस अधिनियम १९५१ चे कलम ३७ (१)(३) चा मनाई आदेश कक २०२३/गृह विभाग/प्र.कार्यवाही/१/१/म.पो.का.-१९५१ दिनांक १०/०४/२०२३ चे आदेशाचे उल्लंघन करून डॉ. आंबेडकर चौक, माजलगाव येथे सार्वजनिक मुख्य चौकात सर्वाना ठळकपणे दिसेल अशा स्थळी लावले आहे.”

3. On enquiry, it was revealed that, the same was printed in the printing press of Applicant No.1 - Shaikh Wajed and same was displayed at the said public place by Applicant No.2 – Shaikh Nasir. Thereafter, the Report was lodged. The above-referred Crime came to be registered. After investigation, the Charge-sheet came to be filed.

4. Heard the learned Advocate for the Applicants and the learned APP for the State. With their assistance, perused the papers on record.

A) It is submitted by the learned Advocate for the Applicants that,



the Applicants are the printer and his employee, and they printed and displayed the said banner at the instance of Accused Nos.3 and 4. The Statements of the Applicants were recorded, but they have denied commission of the alleged act. Taking the Prosecution's case as it is, no case is made out for the offences under which the Crime is registered and the Charge-sheet is filed. He submitted that, the Application be allowed. In support of his submissions, he relied on the following decisions:

- (i) **Imran Pratapgadhi vs. State of Gujarat and Anr (Criminal Appeal No.1545 of 2025)** decided by Hon'ble Supreme Court of India on 28.03.2025.
- (ii) **Javed Ahmad Hajam vs. State of Maharashtra & Anr (Criminal Appeal No.886 of 2024)** decided by Hon'ble Supreme Court of India on 07.03.2024.
- (iii) Decision of this Court in **Criminal Writ Petition No.1560 of 2023 (Suresh Eknath Ghumatkar vs. The State of Maharashtra and Another)** decided on 06.09.2024.

B) It is submitted by the learned APP that, the matter which was published clearly shows that, it promotes enmity between the two religions. Specific words appearing on the said flex attract the offences under which the FIR is registered. The printing and displaying such matters by the Applicants shows that they had knowledge that the same would attract the penal provisions for hurting religious sentiments. The facts of the cases relied upon by the learned Advocate for the Applicants are different and not applicable to the case at hand. She submitted that,



the Application be dismissed.

(i) In **Imran Pratapgadhi** (*supra*), the crime for the offences punishable under Sections 196, 197(1), 302, 299, 57 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 was registered, since one video clip was posted on the social media by the Accused persons showing the poem recited in the mass wedding programme. It was observed that, *'no prima facie case can be said to have been made out against the appellant qua the sections invoked'*. It was further observed that, *'registration of the FIR appears to be a very mechanical exercise and is a clear abuse of the process of law'*.

(ii) In **Javed Ahmad Hajam** (*supra*), the offence was registered on the basis of WhatsApp status congratulating Pakistan on the occasion of 14th August and showing August 5 as the Black Day for the Jammu and Kashmir, and the abrogation of Article 370 was condemned. It was observed that, *'it was the gesture of goodwill and it cannot be said that such acts will tend to create disharmony or feelings of enmity, hatred or ill-will between different religious groups'*.

(iii) In **Suresh Eknath Ghumatkar** (*supra*), the offence was registered due to the posting of certain posts on the Facebook against the Maratha community in connection with reservation issue. Considering the facts of



the case, the Petition for quashing was allowed.

5. Coming to the case at hand, the message which was displayed on the flex has been reproduced above in paragraph no.2. The said printed material clearly shows that, it was relating to the death of Mr. Atiq Ahmed and Mr Ashraf Ahmed in the State of U.P. The incident of death was condemned. A careful reading of the messages or the words on the flex, which are at page no.45, shows that, there is reference of one religion and abusive words towards that religion. The said material, if taken as it is, makes out a *prima facie* case. The Applicants are named in the Report. One of the Applicants had printed the said material / flex in his printing press and other had pasted/displayed it at a public place. *Prima facie*, knowledge that the printing and display of the said flex would hurt the religious feelings of one religion is attributable to the Applicants. This being the quashing proceedings, this Court is not required to conduct a mini-trial or undertake a meticulous appreciation of the evidence on record. The facts of the case in hand and the facts of the aforesaid cases relied upon by the learned Advocate for the Applicants are different and, therefore, of no assistance for the Applicants at this stage. Considering the *prima facie* material against the Applicants on record, in my considered view, this is not a fit case to exercise the powers for quashing the proceedings. Hence, I pass the following order.



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ORDER

(i) The Application is dismissed.

(NEERAJ P DHOTE, J.)

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