



Serial No.11
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 18 of 2023

Date of Decision: 27.08.2024

Smti. Puja Shrivastava
Wife of Shri.
Sanjeev Kumar Shrivastava
R/o: C/o RN Tripathi,
3rd Floor, DNA Soln Building,
R N-1, Saket Puri, Hanuman Nagar,
Opp. Ford Hospital,
Kankarbagh,
Patna – 800026, Bihar.

Vs.

1. State of Meghalaya represented
by the Superintendent of Police,
East Khasi Hills District,
Meghalaya.

2. The Officer-in-Charge,
Mawlai Police Station, East
Khasi Hills District, Meghalaya.

3. The Investigating Officer,
Mawlai Police Station, East
Khasi Hills District, Meghalaya.

4. Dr. Shankar Nath
MukhoPadhyay (Complainant)
R/O 99 Hazra Road,
Kolkata – 700026.

....PETITIONER

.... RESPONDENTS.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. B. Upadhyay, Adv.

For the Respondent(s) : Mr. R. Gurung, GA.



JUDGMENT (ORAL)

This is an application under Section 482 Cr.P.C. seeking quashing of the FIR No. 46 of 2013 dated 17-07-2013 registered at Mawlai Police Station, Shillong along with chargesheet No. 4/2017 dated 07-01-2017 under Section 66D of the Information Technology Act and Sections 419,420, 465, 468 read with Section 34 of the Indian Penal Code pending in the Court of the Judicial Magistrate, Shillong numbered as G.R. No. 75A of 2017.

1. The fact of the case is that a complaint was lodged by the Chancellor of the Techno Global University, Shillong, the respondent No. 4, on 16-07-2013 before the Officer-in-Charge, Mawlai Police Station alleging that a racket was engaged in forging marksheets etc. in the name of Techno Global University, Shillong and was inducing members of public by use of false website of the said university, with message from UGC Chairman etc. and thereby cheating the university members of public and the country by sale of marksheets and other documents allegedly on behalf of the said university. A request was made to investigate the matter and to unearth the crime and deal with the wrongdoers firmly under appropriate sections of law. On the filing of the complaint, the Mawlai PS Case No. 46 (7) 13 under Section 66A of Information Technology Act was registered by the police and the matter was investigated into. On the conclusion of the investigation, a charge-sheet bearing No. 04 dated 07-01-2017 was submitted against the petitioner and her husband Sanjeev Kumar Srivastava under Section 66D of the Information Technology Act and Sections 419,420, 465, 468 read with Section 34 of the Indian Penal Code. In the said charge-sheet, four other accused persons were stated to be absconder.



Being aggrieved, the petitioner has filed this present application for quashing of the matter against her.

2. The learned Counsel for the petitioner submits that the complaint lodged by the respondent No.4 did not name any person as accused. The learned Counsel draws attention of this Court to the various parts of the charge-sheet and submits that no allegation has been specifically made against the petitioner. He submits that there is no instance of any wrongdoing on the part of the petitioner in the entire prosecution case. He further submits that simply because a charge-sheet has been filed against the husband of the petitioner and recovery of some cash and documents were made from the resident of the petitioner and her husband, it would not automatically mean that the petitioner is involved in the matter. The learned Counsel refers to a report dated 20-03-2015 of the I.O and order dated 08-05-2015, which were brought into record by an additional affidavit dated 09-08-2024 filed on behalf of the petitioner, and submits that the petitioner has no involvement in the matter as it is evident therein that her bank account was being operated by her husband and the cash seized from her house was no way connected with the instant case. He contends that in absence of any allegation of existence of fiduciary relationship between the petitioner and her husband(co-accused), she cannot be dragged in the matter. He submits that in view of the admitted position as reflected in the report dated 20-03-2015 and order dated 08-05-2015, it is a fit case where the entire proceedings against the petitioner be quashed. To buttress his argument, the learned Counsel places reliance on the decisions of the Apex Court reported in *(1992) Supp (1) Supreme Court Cases 335, State of Haryana and Others versus. Bhajan Lal and Others. (para-102) and AIR*



2022 Supreme Court 2268, Rekha Jain v. State of Karnataka and another (para-8).

3. Per contra, the learned GA submits that the petitioner was actively involved in the matter and the charge-sheet mentioned the petitioner as a mastermind who operated the fake university along with her husband. The learned GA has taken this Court to all the relevant parts of the charge-sheet and submitted that consequent to the freezing of the bank account of the fake Techno Global University by the West Bengal Police in connection with some other cases, the cash transactions were made to the bank account of the petitioner. He submits that the statement of the petitioner before the police indicates that she was all along aware of the illegal activities in the case and has been supporting and cooperating with her husband. He further submits that the petitioner cannot claim discharge in a criminal case, specially when the offence alleged is in relation to financial scams and forgery of documents, on the ground of being a female and marital obligation. The learned GA submits that the report dated 20-03-2015, on which the petitioner has placed reliance, cannot be treated as a conclusive proof as the same was furnished much before the conclusion of the investigation and submission of the charge-sheet on 07-01-2017. He submits that no case has been made out by the petitioner calling for any interference at this stage and the present application is liable to be dismissed.

4. A perusal of the materials on record reveals that the allegation made in the complaint and the narration of the facts in the charge-sheet speaks of a grave criminal offence which has a potential to create a dent in the function of the educational institutions in the country. There is specific



mention of creation of fake website with details of admission, courses, contacts etc. with which the actual Techno Global University, Shillong does not have any connection. The charge-sheet makes a disclosure that during the investigation it was learnt that even before the Techno Global University started functioning, certificates and marksheets were issued through the fake website in the name of the university. It was also ascertained that the bank account of the fake Techno Global University maintained with the ICICI Bank in the name of the co-accused Shri Sanjeev Kumar Srivastava (co-accused) and some other persons was used for the purpose of making cash transaction in the name of the university. The charge-sheet also indicates that consequent to the freezing of the said bank account by the West Bengal police in connection with some other case, the bank account of the petitioner was utilized for facilitating cash transaction in the name of the fake university. Though a contention has been made on behalf of the petitioner that she had no role in the activities of the co-accused in the matter, at this juncture, it cannot be said that the petitioner's bank account was used by the co-accused without her knowledge and consent. The facts and events of the case, it cannot be said at this stage that the petitioner is not involved in any manner in this case.

5. The proposition of law laid down at para-102 (clauses 1 & 3) in *State of Haryana and Ors. Vs. Bhajan Lal and Ors. (supra)* relied on by the learned Counsel appearing for the petitioner is not applicable in the present matter in view of the fact that the name of the petitioner and use of her bank account has been specifically mentioned in the charge-sheet. The decision of *Rekha Jain vs. State of Karnataka and Anr. (supra)*, which primarily concerns involvement of offence under Section 420 IPC, is also



distinguishable in the facts and circumstances of the present case. The decision is not applicable in the present case.

6. In view of the above, there is no merit in the present criminal petition and the same stands dismissed.

Judge

Meghalaya
27.08.2024
“Biswarup PS”

