



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

CRIMINAL WRIT PETITION NO. 1284 OF 2023

Nita W/o Sunil Gaikwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Ms. Bharti B. Gunjal, Advocate for the Petitioner.
Shri M. M. Nerlikar, Addl.P.P. for the Respondent No. 1.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 20 FEBRUARY 2024.**

FINAL ORDER :

. By invoking provision of Section 482 of the Code of Criminal Procedure (for short 'Code'), the petitioner is seeking quashment of FIR in CR. No. 284/2023 registered with Kallamb Police Station, Dist. Osmanabad for the offence punishable U/Sec. 7(A) of the Prevention of Corruption Act (for short "Act").

2. The learned advocate for the petitioner adverts our attention to the order dated 19 December 2023 and submits that a stand is being taken by the prosecution that the matter is awaiting sanction. Though the matter was adjourned, till date no charge sheet has been filed for last ten months. The petitioner is not a public servant. She has been doing social service. She has settled more than one hundred matters amicably in the

matrimonial disputes. Just to take revenge, a false complaint has been lodged without there being any sanction. The prosecution could not have been proceeded against her. She would advert our attention to the paper cuttings to buttress her submission that the petitioner has been engaged in active counselling and has successfully done it in number of matters.

3. The learned Assistant Public Prosecutor opposes the petition. He submits that by virtue of Section 7(A) of the Act, which has been inserted by way of amendment in the year 2018, the offences under Prevention of Corruption Act would also get attracted against a private individual and he need not be a public servant. He would also place before us the papers of investigation to demonstrate that there is a recorded conversation involving the petitioner and the informant expressly disclosing that the former had raised a demand of money. It is sufficient to invoke Section 7(A) of the Act leaving aside the allegations regarding acceptance of Rs. 1,000/- and subsequent payment of Rs. 6,600/-, which has also been seized.

4. We have considered rival submissions and perused the papers of investigation. Obviously, character of the petitioner particularly in the proceedings of this nature wherein FIR is being sought to be quashed, would be wholly irrelevant.

5. A plain reading of Sec. 7(A) of the Act which has been inserted by way of amendment in the year 2018 is clearly

indicative of the fact that the offence therein can be committed by any individual and he need not be a public servant.

6. The papers of the investigation contain a verification panchanama and transcript of conversation between the petitioner and the informant. We have no manner of doubt that there is indeed a demand and in all probability even acceptance, albeit Section 7(A) of the Act has been invoked.

7. True it is that investigation has been going on for last almost ten months and by this time, the charge sheet ought to have been filed, but for the reasons best known to the investigating agency, same has not been filed.

8. Be that as it may, *prima facie*, there is sufficient material to reveal complicity of the petitioner in commission of the crime and it is not a matter worthy of quashment.

9. The criminal writ petition is dismissed.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Feb. 24