



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

CRIMINAL APPLICATION (APL) NO.243 OF 2024

SMT. JAYPRABHA TEKCHAND MARBATE

VS

STATE OF MAHARASHTRA THE THE SECRETARY HOME DEP. MANTRALAYA MUMBAI
AND 4 OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.D. Puranik, Advocate for the applicant/s

Mr. H.D. Futane, A.P.P. for the non-applicant Nos.1 to 4/State

**CORAM : SMT. VIBHA KANKANWADI
& MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 16.07.2024.

1. The present application has been filed for quashing FIR filed against the applicant for the offences punishable under Section 7 and 12 of the Prevention of Corruption Act, 1988 vide C.R. No.441 of 2023 with Police Station, Bhandara.

2. Heard the learned Advocate for the applicant and the learned APP for the State.

3. The learned Advocate for the applicant has taken us through the FIR as well as the other documents and submits that the applicant, who is the principal of Mahila Adhyapak Vidhyalay, Bhandara, had given a What'sApp message to all that they can collect Hall-ticket. Those who are having outstanding amount in respect of the Library or Library books, development fund and fine, then they should get it clear and take the Hall-ticket on 15.07.2023. Whatever amount has been said was on the basis of the resolutions passed by the College Authority, as the College is

run by private institution. He has also placed those resolutions on record.

4. At this stage, when the investigation is still pending, as it appears the charge-sheet is not filed, we are required to consider the contents of the FIR *prima facie* and as in this case, even the Panchnama of the trap has been produced on record. It can be noted from the Panchnama that the amount of Rs.1,400/-, which was the tainted amount, was recovered from the co-accused. Here we are concerned regarding the amount that was asked. At this stage, it appears that the applicant is accepting that he had given the message on the What'sApp group on 14.07.2023. Now it is said that the said amount was in view of the resolutions i.e. passed by the college authority. We are of the firm opinion that the defence will have to be proved by the applicant during the course of the trial and cannot be considered under Section 482 of the CrPC. Those resolutions will have to be proved by the applicant and therefore, only on the basis of those resolutions, it cannot be said that there was some connection between the amount and the resolutions. Even the investigation is still incomplete and therefore, we do not take this to be a fit case for quashing the FIR. Accordingly, the application is **rejected**.

[MRS. VRUSHALI V. JOSHI, J]

[SMT. VIBHA KANKANWADI, J]