



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

Criminal Application (APL) No.870/2024

Kailas Shankarrao Gadhe,
Aged about 55 years, Occ.-Service,
R/o. In front of Panchmukhi Hanuman Mandir,
Shahu Nagar, Chikhali, Taluka Chikhali,
District Buldana-443201.

.... Appellant.

Versus

1. State of Maharashtra, through Police Station Officer,
Police Station, Deoli, District Wardha
through Anti Corruption Bureau, Civil Lines, Nagpur.
2. Anmol s/o Babarao Ganvir,
Aged 33 years, Occ- Agriculturist,
R/o. Deoli, District Wardha
Mo.No. 9561713169.

.... Non-applicants.

Mr. K.P. Sadavarte, Advocate for petitioner in person.
Mr. S.S. Doifode, APP for non-applicant no.1.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
Date : 01-07-2024.

J u d g m e n t (Per Smt. Vibha Kankanwadi, J.)

. The present application has been filed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure ('Cr.P.C.', for short) to quash and set aside the First Information Report ('FIR', for short) vide Crime No.412/2024 registered by non-applicant no.1 against the applicant on the basis of complaint lodged by non-applicant no.2 on 23-04-2024 for the offence punishable under Sections 7 and 7-A of the Prevention of Corruption Act.

2. Heard learned Advocate for the applicant and learned APP for non-applicant no.1. No case is made out for issuing notice to non-applicant no.2.

3. Learned Advocate for the applicant has taken us through the FIR and submits that there was absolutely no evidence for demand. There was no direct dialogue between non-applicant no.2 and the applicant. It is then stated that co-accused Swapnil Ingole is stated to have had dialogue with the non-applicant no.2 and it is said that he had demanded the amount from non-applicant no.2 in the name of the applicant. It would be rather difficult and unjust to rely upon such statements and honest Government employee would suffer, if such statements are allowed to be made. The contents of the FIR do not disclose that if really the applicant had demanded the said illegal gratification amount when co-accused would have been present, and in that case there was no question of indirect talks. There could have been only the direct talks. The FIR appears to be based on some concoction and therefore it could be a futile exercise to ask the applicant who is on the verge of retirement, to face the trial.

4. At the outset, we would try to say that the complaint runs in pages, giving all the details regarding alleged demand in pursuant to the fact that the work was pending with the applicant; then verification, in respect of the demand which is stated to be through the co-accused, thereafter there was trap. It

is also to be noted from the contents of the FIR that non-applicant no.2 had given him all the indications that the co-accused is asking money in his name and at that time the applicant is stated to have said that he would talk to co-accused and this should not happen, but still thereafter, he started saying that non-applicant no.2 should give him amount of Rs. 20,000/-. All this has been recorded at the time of verification. After the trap was arranged co-accused was found possessing amount of Rs. 8000/- which was the tainted amount. Therefore, all these contents would disclose that, at this stage, there is some material against the applicant and in view of the same, we do not find this to be a fit case where we should excise our inherent powers and set aside the FIR. Application stands dismissed.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)