



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLN. (APL) NO. 910 OF 2024

Dilip Waman Khode

-Vs.-

The State of Mah., thr. PSO, PS Sadar, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr.Yusuf Jameel Sheikh, Adv. for the applicant.
Mr.M.K.Pathan, APP for the respondent-State.

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

DATE : 5TH JULY, 2024

Per : Smt. Vibha Kankanwadi, J.

The present application has been filed invoking inherent powers of this Court under section 482 of the Code of Criminal Procedure for quashing and setting aside the First Information Report (FIR) bearing Crime No.141 of 2023, dated 29/03/2023, registered against the applicant with respondent No.1-Sadar Police Station, Nagpur for the offence punishable under sections 384 and 385 of the Indian Penal Code read with section 7A of the Prevention of Corruption Act, 1988.

2. Heard Mr.Sheikh, Advocate for the applicant and Mr.Pathan, APP for the respondent.

3. The learned Advocate for the applicant has taken us through the contents of the FIR and submits that perusal of the same would show that the original complainant Ravindra

Shaligramji Bhuyar, who is the Regional Transport Officer, serving at Nagpur was not even knowing the applicant, but only on the basis of alleged mobile number and statement from the other side carried the impression that it is the applicant. In fact, the applicant is a friend of one Mr.Chandrashekhar Giri, who is the Executive Engineer of Public Works Department. The applicant had called Giri and told that he had come to Nagpur for doctor's appointment regarding his mother's cataract surgery. The applicant wanted to go to washroom, when he was nearby Civil Lines. Mr.Giri told him to go to Ravi Bhavan for using the washroom and told that he would inform the staff. Mr.Giri also told the applicant to wait for him, as he was busy in some office work. After said Giri had made the arrangements for the applicant, the applicant after getting freshen up there and waiting for Mr.Giri. It is further submitted that Mr.Giri was told by the receptionist that the Police personnel are interrogating his guest in Room No.20 and therefore, he should not come to Ravi Bhavan. Hence, he had not come to Ravi Bhavan. Mr.Giri got to know that it was the Anti Corruption Department's trap against the applicant, which was false and frivolous. The applicant had gone to Ravi Bhavan only to meet his friend Mr.Giri. The entire FIR is based on concocted story. Further section 7A of the Prevention of Corruption Act does not get attracted against the applicant as the ingredients "*taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence*" are not attracted. The alleged mobile phone number is not registered in the name of applicant. One Smt.Geeta Shejwal has already lodged a complaint against the informant in the department of RTO at Nagpur. The informant has filed civil suit, i.e. Regular

Civil Suit No.108 of 2023, wherein *ad interim* order has been granted against said Smt.Geeta Shejwal. Even the Grievance Committee is enquiring into the complaint by Smt.Geeta Shejwal and therefore, this is not a fit case where the FIR should be quashed and set aside.

4. We are at the very primary stage and we may not even go much into the details of the contents of the FIR. It is to be noted that the FIR came to be lodged on 29/03/2023 by said Ravindra Shaligramji Bhuyar. The applicant has not even taken care to add him as a party non-applicant, when he wants to get rid of the FIR lodged by the informant. No doubt, we could have asked the applicant to add the informant as a party non-applicant, but there is no necessity of the same. Here, it is to be noted that a detailed complaint has been filed, wherein it is said that on 24/03/2023, he received message on WhatsApp of a person, who disclosed his name as Shri Dilip Waman Khode. He had then attached the complaint given by one Dr.Wajahat Mirza, a Member of Legislative Council. He says that since he was not knowing said Dilip Khode, he avoided to contact that person, but said Khode was pressurizing him through known persons i.e. Shri Satish Kakad and Bjarang Kharmate to contact Mr.Dilip Khode. Therefore, the informant called said Dilip Khode around 8.30 am on 24/03/2024. He given a screen shot of the phone call. Thereafter, he has given details as to what was the conversation. It was then stated that Dilip Khode gave impression that in view of the complaint made by Dr.Wajahat Mirza of the informant, there was likelihood of discussion in the Legislative Council. The said complaint was in respect of two lady officers working in RTO. But then Dilip Khode gave

impression that the said discussion can be aborted, but for that purpose he should give him amount of Rs.50,00,000/-. It is then stated that he was not knowing Dilip Khode earlier and there were financial transactions or enmity between them. But to avoid the discussion regarding the complaint against him in the Legislative Council, he could gather that the applicant was asking bribe from him in the name of Dr.Wajahat Mirza. It appears that initially the complaint was filed by the complainant and then trap was arranged, demand was got recorded in voice recording and the trap was laid at Ravi Bhavan and Anti Corruption Authorities arrested the applicant with amount of Rs.25,00,000/-, which were tainted.

5. When such a detailed FIR has been lodged and there is evidence in the form of voice recording trap panchnama, then we are of the opinion that the investigation should go on and it is not a fit case where the FIR should be quashed. Hence, the application stands rejected at threshold.

(MRS.VRUSHALI V. JOSHI, J) (SMT.VIBHA KANKANWADI, J)