



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

CRIMINAL APPLICATION (APL) NO. 178 OF 2024

APPLICANTS :

1. Manisha w/o Pramod Chahare,
Age : 39 years, Occu : Housewife,
2. Pramod s/o Wasudeo Chahare,
Age : 45 years, Occu : Service,

Both R/o Ekori Ward, Near Mata Mandir,
Chandrapur.

VERSUS

NON-APPLICANTS :

1. State of Maharashtra
Through P. S. O. Chandrapur (City),
Chandrapur.
2. Sanjay Gopalrao Sakarkar,
Age : 60 years, Occu : Retd.,
R/o Qr. 73/8, WCL Near Filter Plant,
Ballarsha, Dist. Chandrapur.

Shri Mahesh Rai, Advocate for applicants.
Ms. Sneha Dhote, Additional Public Prosecutor for Non-applicant No.1.

**CORAM: URMILA JOSHI-PHALKE &
NANDESH S. DESHPANDE, JJ.
DATED : 16/12/2025.**

ORAL JUDGMENT : (PER : NANDESH S. DESHPANDE, J.)

1. Heard. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.
2. At the outset, learned counsel for the applicants states that he is not pressing the application for Applicant No.2.

3. We are therefore, dealing with the allegations as far as Applicant No.1 is concerned. The application filed under Section 482 of the Code of Criminal Procedure is challenging the First Information Report bearing Crime No.551/2021 for the offence punishable under Section 420 r/w Section 34 of the Indian Penal Code registered with the non-applicant No.1 – Police Station.

4. As per the said report lodged by the non-applicant No.2, applicant No.2 promised and agreed to give employment to the son of Non-Applicant No.2 as a teacher in the Government School by accepting an amount of Rs.8,00,000/- and therefore, the complainant agreed for the said amount to be paid to the applicant No.2 for seeking employment on 21/05/2019. The Non-Applicant No.2 i.e. the first informant gave amount of Rs.20,000/- in cash to applicant No.2 as also cheque of Rs.2,00,000/- to him. On receiving such amount and cheque, applicant No.2 stated that the name should not be mentioned in the said cheque, and therefore, it was kept blank. It is further alleged that on 17/06/2019, the complainant gave an amount of Rs.80,000/- in cash to applicant No.2. On 08/06/2019, applicant No.2 called the Non-Applicant No.2 stating that training is to be given to the son of Non-Applicant No.2 at Borkhedi and thus, the same was completed on

14/06/2019. Thereafter, the applicant No.2 promised that the son of complainant would get joining letter and hence, remaining amount be kept ready. The Non-Applicant No.2 after some days started enquiring about the joining letter with the applicant No.2. The applicant No.2 kept avoiding on some other pretext or the other. It is further alleged that the applicant No.2 also promised one Sanjay Ganar (brother-in-law of the Non-Applicant No.2) to provide Government job to his son and on that account, he had transferred two acres of land in the name of applicant No.1 i.e. the wife of applicant No.2. Therefore, sale deed was also executed in her favour. Thus, the applicant No.2 on the pretext of providing job cheated both the non-applicant No.2 and his brother-in-law. Aggrieved by the same, the Non-Applicant No.2 filed the First Information Report in question and the same is under challenge in the present application.

5. Heard Shri Mahesh Rai, learned counsel for the applicants as well as Ms. Sneha Dhote, learned Additional Public Prosecutor for the State.

6. Learned counsel for the applicants states that since there are no allegations as far as the applicant No.1 - Manisha is concerned, and all the allegations are against the applicant No.2.

He, therefore, prays that no offence as contemplated under Section 420 of the Indian Penal Code is made out as against applicant No.1. He, therefore, prays for quashing of First Information Report in question.

7. Per contra, learned Additional Public Prosecutor while opposing the contentions put forward by the learned counsel for the applicants states that the applicant No.1 is wife of applicant No.2 and there are specific allegations so as to make out a triable case as against applicants. She, therefore prays for rejection of the application.

8. We have considered the contentions of the learned counsel for the respective parties and perused the First Information Report as also consequent charge sheet filed on record.

9. On careful perusal of the said material, we are of the considered opinion that all the allegations *vis-a-vis* the procurement of money for securing job are as against applicant No.2 and there are no allegations as far as applicant No.1 is concerned. Only because applicant No.1 is the wife of the applicant No.2 and only due to the fact that agricultural land /

immovable property has been purchased in her name, cannot be a reason to attribute the intention or inducement so as to attract the offence under Section 420 of the Indian Penal Code.

10. In view of that matter, we are of the considered opinion that since no reasons can be attributed since inception to the applicant No.1, no case is made out so as to face the criminal trial.

11. In that view of the matter, we proceed to pass the following order :-

ORDER

i] The application is allowed to the extent of **Applicant No.1 – Manisha w/o Pramod Chahare.**

ii] First Information Report bearing Crime No.551/2021 dated 17/07/2021 as also charge sheet dated 08/11/2023 and RCC No.914/2023 pending before the learned Chief Judicial Magistrate First Class, Chandrapur is hereby quashed and set aside to the extent of **Applicant No.1 – Manisha w/o Pramod Chahare.**

iii] The application is disposed of in above terms.

[NANDESH S. DESHPANDE, J.]

[URMILA JOSHI-PHALKE, J.]