



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

CRIMINAL APPLICATION (APL) NO.200 OF 2019

APPLICANT

(Accused No.1)

- : 1) Preeti D/o Jagdish Wanjari,
Aged about 26 years, Occ- Teacher,
R/o. Mukhayela, Ward No.20, Nr. Jail
Road, Dongargarh, Distt. Rajnandgaon
(Chhatisgarh).

..VERSUS..

RESPONDENTS

- : 1) State of Maharashtra, through Police
Station Officer, Police Station Ner,
Distt. Yavatmal.
- 2) Vinod Bhaurao Gode,
Aged about 53 years, Occ: Business,
R/o Shivaji Nagar, Tah. Ner, District :
Yavatmal.

Mr.S.D. Kalyani, Advocate for Applicant.

Mr S.V. Narale, A.P.P. for the Non-applicant/State.

CORAM : ANIL S. KILOR AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 18/06/2025

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard
finally by consent of learned counsel for the respective parties.

3. The present application filed under Section 482 of the Code of Criminal Procedure, a prayer is made for quashing of the chargesheet bearing No.32 of 2018 and R.C.C. No.38 of 2018 arising out of First Information Report No.640 of 2017 dated 29.12.2017, registered with Police Station, Ner, Dist. Yavatmal for the offence punishable under Section 420 of the Indian Penal Code (IPC).

4. It is the case of the prosecution that, after receiving some pamphlets delivered to newspapers, the complainant contacted one Mr. Mishra, promising him to supply boxes of herbal mosquito repellent sticks (Agarbatti). Accordingly, he supplied such boxes worth Rs.1,90,000/- against which, as per the FIR, the total amount was paid, i.e. Rs. 1,76,500/-. It is further alleged that, accused No.1 promised to give demonstration. However, he failed to give such demonstration, and therefore, the offence came to be registered.

5. Admittedly, the applicant was not named in the FIR. The offence was registered only against Mr. Mishra. Even, there is nothing in the FIR to suggest that any grievance was made against the applicant. However, in the chargesheet, the applicant became Accused No.1 and Mr. Mishra, Accused No.2.

6. The learned A.P.P. points out that since the amount was received by the applicant in her account, she has been impleaded as the accused. Even if the statement of the learned A.P.P. is accepted, the fact remains that there is no allegation against the applicant that she at any time contacted the non-applicant No.2/complainant or made any promise him and thereby cheated him in any matter.

7. In absence of any such allegations, no offence constitutes under Section 420 of the IPC only on the ground that, the complainant deposited certain amount in the account of the applicant on the direction of accused No.2. Further, it is evident from the chargesheet that, she did not retain the said amount in her account but forwarded it to the account of Mr. Mishra.

8. In the above referred facts and circumstances, as there is nothing against the applicant which would *prima facie* show her complexity in the alleged offence, we are of the opinion that this is a fit case for quashing of the criminal proceeding against the applicant. Accordingly, we pass the following order :-

- i) The Criminal Application is **allowed**.
- ii) The proceeding, namely R.C.C. No.38 of 2018, pending on the file of learned Judicial Magistrate First Class, Ner, Dist. Yavatmal, arising out of chargesheet bearing No.32 of 2018 and First Information Report No.640 of 2017 dated 29.12.2017, registered with Police Station, Ner, Dist. Yavatmal for the offence punishable under Section 420 of the Indian Penal Code, is hereby quashed and set aside.

Rule accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)