



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

CRIMINAL WRIT PETITION NO.601/2025

Nilesh s/o Shyamraoji Akare,
aged 42 years, Occ. Busienss,
r/o Plot No. 61, Sanmarg Nagar,
Hudkeshwar Road, Nagpur – 440034.**PETITIONER**

...V E R S U S...

The Central Bureau of Investigation,
through Superintendent of Police,
AC-III, Plot No. 5B, Jawaharlal Nehru
Stadium Marg, 6th Floor, Lodhi Road,
New Delhi – 110 003.**RESPONDENT**

Mr. R. S. Akbani, Advocate for petitioner.
Mr. P. K. Sathianathan, Advocate for respondent.

CORAM:- ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.
DATED :- 17.09.2025

ORAL JUDGMENT (Per: Anil L. Pansare, J.)

Issue Rule, returnable forthwith. Mr. P.K.Sathianathan,
learned Counsel waives service of notice for respondent. With
consent of learned counsel for the parties, the petition is taken up
for final hearing.

2. Petitioner is seeking to quash First Information Report
("FIR") No. RC2182025A0013, dated 12.06.2025 registered with

Central Bureau of Investigation, AC-III, New Delhi. The FIR has been registered on 21.06.2025 for the offences punishable under Sections 7, 13 (2), 13(1) (a) of the Prevention of Corruption Act, 1988 (“PC Act”) and Section 120B of the Indian Penal Code, 1860 (“IPC”).

3. The FIR is registered in terms of order dated 22.05.2025 passed by Hon’ble Lokpal in Complaint No. 247/2024. The gist of the FIR indicates that some public servants and private persons have unauthorisedly excavated minor mineral – Murum, at CONCOR Premises, MIHAN, Nagpur. The work was allotted to M/s. Das contractor, who had then allotted it to M/s. Aditya Enterprises. The petitioner is proprietor of M/s Aditya Enterprises. He has allegedly excavated Murum without authority. The value of Murum excavated is said to be Rs.1.65 Crores approximately.

4. Argument is that on similar set of facts, an FIR has been already lodged on 20.01.2021 vide Crime No. 8/2021 for the offences punishable under Section 379, 406 of the IPC. The said FIR refers to incident dated 04.02.2020. The allegation is that the petitioner has unauthorisedly excavated 19700 Cubic Meter Murum valued at Rs.1.40 Crores approximately. It appears that the charge-sheet has been also filed under Sections 379, 406 read with

Section 34 of the IPC. We are also informed that the charge is yet to be framed.

5. We have, in the aforesaid context, perused the case diary to find that the subject matter of the present FIR and that of earlier FIR is one and the same. The case diary indicates the date of commission of offence is 04.02.2020. It also refers to unauthorized excavation.

6. Thus, it appears that for the same offence, two different FIRs have been registered. The only difference is that the earlier FIR has been registered for the offence punishable under Sections 379, 406 of the IPC whereas the subsequent FIR is registered under the provisions of the PC Act and Section 120 of the IPC. It appears that in subsequent investigation, upon complaint made before Hon'ble Lokpal, role of public servant has been also disclosed and accordingly, FIR was lodged under the provisions of the PC Act. In our view, the investigating officer should have approached the Trial Court before whom the charge-sheet has been filed with a request to add provisions of the PC Act as also to add public servant as an accused.

7. At this stage, learned counsel for petitioner submits that public servant viz. Mr. Ramakant Shandilya, has been already

made accused in the said case. He further submits that Mr.Ramakant Shandilya had then approached Hon'ble Lokpal, having been made accused in the earlier case. He further submitted that the Hon'ble Lokpal while directing to register FIR has held that Mr.Ramakant Shandilya is also responsible for the offence. Accordingly, subsequent FIR is lodged against the petitioner and said Mr. Shandilya.

8. Thus, both, the petitioner and Mr. Ramakant Shandilya, have been made accused in both the FIRs. When inquired whether earlier FIR was disclosed in the complaint lodged before the Hon'ble Lokpal, the counsel for the respondent answered in the negative. Thus, the order is obtained by suppressing material facts. Such an act resulted into lodging two FIRs for one and the same incident. Such a course is not permissible in law. Subsequent FIR is, therefore, liable to be quashed and set aside. Hence, we pass the following order.

ORDER

- (i) The writ petition is allowed.
- (ii) First Information Report No. RC2182025A0013, dated 12.06.2025 registered with Central Bureau of Investigation, AC-III, New Delhi is quashed and set aside.

(iii) Investigating Officer shall take appropriate steps for addition of offences in terms of order dated 22.05.2025 passed by Hon'ble Lokpal before the Trial Court before whom the charge-sheet in earlier FIR has been filed.

(iv) Copy of the order shall be placed before the Trial Court.
Rule is made absolute in above terms.

(Siddheshwar S. Thombre,J.)

(Anil L. Pansare, J.)

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