



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

**CRIMINAL APPLICATION (APL) NO. 1727 OF 2024**

Rojlin Jagdish Khobragade,  
Age 42 years, Occupation : Service,  
R/o. Teacher Colony, Gokulnagar,  
District : Gadchiroli.

.... **APPLICANT.**

// **VERSUS** //

1. State of Maharashtra,  
through Police Station Officer,  
Police Station, Gadchiroli,  
District : Gadchiroli.
2. Anti-Corruption Bureau,  
Gadchiroli, through its  
Police Inspector, having its office  
at Gadchiroli, District : Gadchiroli.
3. Devendra Anand Devikar,  
Age : 32 years, Occu; Contractor,  
R/o. Ashokvan Colony,  
Gokul Nagar, Ward No.16,  
Gadchiroli.

.... **RESPONDENTS.**

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Shri Rajnish R. Vyas, Advocate for Applicant.  
Shri S.S.Doifode, A.P.P. for Respondent Nos.1 & 2/State.  
Ms F.N.Haidari, Advocate (Appointed) for Respondent No.3.

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**CORAM : ANIL S. KILOR AND  
PRAVIN S. PATIL, JJ.**

**DATED : APRIL 02, 2025.**

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

1. Heard.

2. **RULE.** Rule made returnable forthwith. Heard by consent of the learned counsel for the parties.

3. This is an application under Section 482 of the Code of Criminal Procedure (Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023) challenging First Information Report bearing Crime No.26 of 2023, dated 13/01/2023, registered with respondent No.1-Police Station for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act, 1988.

4. In the present matter, the applicant has been made an accused in the aforesaid crime on the allegation that while issuing a cheque to the informant, who is a contractor, towards the work done by the informant, though the applicant signed the cheque as a Secretary of Village Panchayat but, did not obtain signature of the Sarpanch who allegedly demanded 10% bribe from the informant for payment of amount. It is further alleged that she issued the cheque to the informant and asked him to obtain the signature of Sarpanch.

5. It is alleged that the applicant is an abettor. To support this contention, the learned APP placed reliance upon the duties of the Secretary, which say that after signing the cheque by Gram Sevak he shall obtain signature of Sarpanch personally or through any employee of the Gram Panchayat.

6. Even if the above referred allegations are accepted, at the most it will be an irregularity in not following the prescribed procedure. But, in any case, the same cannot constitute an offence under Section 7 of the Prevention of Corruption Act, 1988. More particularly, when there is no whisper in the entire complaint of any demand made by the applicant which is *sine qua non* to constitute the alleged offence.

7. In the circumstances, we are satisfied that registration of the First Information Report against the applicant amounts to abuse of process of Law. Hence, this is a fit case for quashing of the FIR. Accordingly, we pass the following order :

- i) The Criminal Application is allowed.
- ii) First Information Report bearing Crime No.26 of 2023, dated 13/01/2023, registered with respondent No.1-Police Station for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act, 1988, to the extent applicant is concerned, is hereby quashed.

- iii) Fees of the appointed counsel Ms F.N. Haidari be quantified as per the Rules.

Rule is made absolute accordingly.

(PRAVIN S. PATIL, J)

(ANIL S. KILOR, J)

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