



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.1425/2024

1. **CHETAN S/O. VILAS MORE**
(ACCUSED NO.4),
Aged Major, Occ.: Service,
R/o. A/401, Shree Dwarkesh 2CHC,
Shukla Compound, Pawan Nagar,
Dahisar East, Mumbai - 400068.
2. **TEKESHWAR SINGH S/O**
YASHWANT SINGH PARIHAR
(ACCUSED NO.5)
Aged about 37 years, Occ. Sale Officer
R/o. Behind Sitalamata Mandir,
Dhammadeep Nagar, Dr. Ambedkar Marg,
Tah. &Dist: Nagpur.

... APPLICANT

...VERSUS...

THE STATE OF MAHARASHTRA

Through Police Station Officer,
Police Station: Aheri,
Tah. Aheri, Distt.: Gadchiroli.

...NON-APPLICANTS

Shri R.M. Tahaliyani, Advocate for applicants
Shri N.H. Joshi, APP for non-applicant No.1/State

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

RESERVED ON : **14.11.2025**

PRONOUNCED ON : **20.11.2025**

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

Heard. Admit. Matter is taken up for final disposal by the consent of learned Counsel for the parties.

2. This is an application seeking quashing of Final Report/charge-sheet No. 02/2024, registered with non-applicant No.1 – Aheri Police Station, District Gadchiroli, against the applicants, for the offences punishable under Sections 302, 307, 328, 120-B, 201 read with Section 34 of the Indian Penal Code, as also, Sessions case No. 12/2024, pending on the file of District and Sessions Court, Aheri.

3. As per the First Information Report lodged by the complainant, P.S.I. Karuna Siddharth More, the Police Station Officer of Aheri, two accused persons, namely Sanghmitra Roshan Kumbhare and Roja Pramod Ramteke, were arrayed as accused for offences punishable under sections mentioned above. Thereafter, during investigation, the name of the other three accused persons,

including the present two applicants and one Avinash Tajne, was added in the charge-sheet.

4. As per the contents of the First Information Report, the accused No.1, Sanghamitra, and the accused No.2, Roja, have administered poison (Thallium Sulphate) to total nine persons in furtherance of a conspiracy with the other accused persons. Out of the said nine persons, five persons have died due to the said poison, who were close relatives of the accused Nos. 1 and 2. It is further stated in the First Information Report that as per the criminal conspiracy the accused No.1 booked the said poison (Thallium Sulphate) with the present applicant Nos. 1 and 2, and therefore, the said poison has been sent through the post office which is received by the accused Nos. 1 and 3 Avinash (who is boyfriend of accused No.1) and have made payment of Rs.12,687/-. It is further stated that the applicant No.1 is working as a sales executive of the said company, hence, he has sent mail to the applicant No.2, who is working as a Sales Manager for Nagpur District, and thereafter, the said company has sent the said poisonous substance through Global Marketing, which is a stockist of the said company to accused Nos.

1 and 2 by postal service. In pursuance of these facts, the First Information Report, as stated above, was initially against two persons and subsequently other three including the present two applicants, were arrayed as accused. It is this First Information Report and consequent charge-sheet which is under challenge in the present application.

5. We have heard Shri R.M. Tahaliyani, learned Counsel for the applicants, as also, Shri N.H. Joshi, learned Additional Public Prosecutor for non-applicant No.1/State.

6. Learned Counsel for the applicants submits that the applicants before this Court are the officials of the company and no role is attributed to them, even the allegations in the First Information Report and the consequent charge-sheet are taken on their face value. It is his submission that the applicants have been falsely and baselessly implicated in the present crime, and the only role attributable to them was the supply of the said poisonous substance, i.e., Thallium Sulphate. He therefore submits that the applicants, being absolutely not connected with the incident in

question, cannot be prosecuted, and the charge-sheet, therefore, is liable to be quashed as against them.

7. Per contra, learned Additional Public Prosecutor, while opposing the contentions advanced by the learned Counsel for the applicants, states that the applicants have admitted in their statements that the poisonous substance was supplied by them on an inquiry by the accused No.1 with the Company. The learned Additional Public Prosecutor also states that the postman who has supplied the said chemical has given a statement to the police that it was booked by the company and was to be supplied to accused No.5. It is therefore his contention that the present applicants have assisted, facilitated, and helped with the common intention to other accused persons by providing said substance to them. He therefore prays for rejection of the application, seeking quashment of the charge-sheet.

8. In light of these facts, we have considered the contentions advanced by the parties, as also the charge-sheet. The booking of the poisonous substance by the accused Nos. 1 and 2 with the

company of the applicants is not in dispute. We have also gone through the screenshots of the email sent by one Avinash Zade to the present applicant No.1, which states that he is in need of Thallium Sulphate 25 gm, and the said email specifically states that it is required for STRC Gondwana University, Gadchiroli. It can also be seen from the said trailing mail that the said applicant No.1 forwarded the mail to the applicant No.2, amongst others, asking him to contact the customer from whom the enquiry is made. It thereafter transpires from the said mail that the said poisonous substance was supplied through Global Marketing, who is the stockist of the company at Nagpur.

9. True it is that the supply of the said poisonous substance i.e. Thallium Sulphide is not regulated (as submitted by the learned Counsel for the applicants) however, we cannot lose sight of the fact that the applicants were well aware that the said substance is extremely poisonous in nature and therefore, are expected to exercise due care and caution while supplying the said substance. Only because the mail in question states that the substance is required for STRC Gondwana University, Gadchiroli, cannot absolve

the applicants from their liability to make an inquiry, and exercising due care and caution more particularly, looking at the poisonous nature of the material in question. In our view, and as can be seen from the record at least *prima facie*, no reasonable due care and caution has been exercised by the applicants while supplying the product. Even if the applicants may not be involved in administering the said poisonous substance to the deceased persons, however, we cannot lose sight of the fact that, in fact, the said substance was supplied by the company for which the applicants are working.

10. It is a settled principle of law that powers under Section 482 of the Code of Criminal Procedure cannot be exercised only for asking and cannot be a tool to stifle a legitimate prosecution. A beneficial reference in this regard can be made to the judgment of the *State of Madhya Pradesh Vs. Lakshmi Narayan and others, (2019) 5 SCC 688*, where the Hon'ble Supreme Court has laid down the following parameters:

“15.....

15.1.....

15.2. *Such power is not to be exercised in those*

prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious Impact on society;”

11. In view of this, the offence being serious in nature, where five persons have expired and more particularly when, as already discussed above, we are of the view that no due care and caution, as expected of the officials of the company supplying poisonous substance, cannot be a reason to quash the charge-sheet in question.

12. We, therefore, proceed to pass the following order :

ORDER

Application is rejected.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..