



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

CRIMINAL APPLICATION (APL) NO. 1444 OF 2024

Sangita D/o Sadanand Swami alias
Sangita W/o Anand Gaikwad,
Aged about 47 years, Occ:-Service,
R/o. Sadanand Swami, Sr No 216,
Flat No 301 Vijaya Mansion, Wadi Bk,
Nanded.

APPLICANT

Versus

1. State of Maharashtra,
Thr. Police Station Officer, Police
Station Mahagaon, Dist. Yavatmal.
2. Mohanrao Narayanrao Karhe,
Aged about:- 64 years, Occ:-
R/O Kasarbel, Mahagaon,
Dist. Yavatmal.

NON-APPLICANTS

Mr. H.V. Dhage, Advocate for the Applicant.
Ms. R.V. Sharma, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 09th MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned Counsel for the Applicant and learned APP for the Non-applicant No.1/State.

3. Though the Non-applicant No.2 is served none appears for the Non-applicant No.2.

4. The present Application is preferred by the Applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing of the First Information Report in connection with Crime No.709/2018 registered with Police Station Mahagaon, District Yavatmal for the offence punishable under Sections 420, 468, 469, 471 read with Section 34 of the Indian Penal Code (for short "IPC") and consequent proceeding arising out of the same bearing R.C.C. No. 122/2024 pending before the Judicial Magistrate First Class, Mahagaon.

5. The crime is registered on the basis of a report lodged by the Non-applicant No.2/Mohanrao Karhe on an allegation that, he was duped by the present Applicant in entering into the conspiracy with the co-accused by obtaining Rs. 5 Lakhs on the promise of providing the job to his son in the Government Medical College, Latur for the post of Class-D

category and also issued the false appointment letter. On the say of co-accused the Informant has deposited Rs. 10,000/- in the account of the present Applicant, and therefore, she is also arraigned as an accused. On the basis of the said report Police have registered the crime against the present Applicant. During investigation the Investigating Officer has recorded the relevant statements of witnesses and after completion of the investigation submitted the charge-sheet against the present Applicant.

6. Heard learned Counsel for the Applicant who submitted that, except the allegation that the amount of Rs. 10,000/- deposited in her account, there is absolutely no material to show that she was conspired with the other co-accused and in pursuance of the said conspiracy they have obtained the money from the Informant. Thus, he submitted that, merely she is a wife of the co-accused, she is implicated in the alleged offence. There is no other allegation against her as to the forgery of documents or duping to the Non-applicant No.2, and therefore, no *prima facie* case is made out. In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP, strongly opposed the said contentions and submitted on the ground that, during investigation it reveals that she has not only conspired with the crime with the co-accused but also received the money. The Investigating Officer has collected the counter slip showing deposit of Rs. 10,000/- in her account, so also the forged job order copy is also collected. Thus, *prima facie* material is there to connect her with the alleged offence. In view of that, the Application deserves to be rejected.

8. On hearing both the sides and on perusal of the entire investigation papers it reveals that, except the allegation that the amount of Rs. 10,000/- is deposited in her account, there is absolutely no material to show that she has conspired with the other co-accused and in pursuance of the said conspiracy, the amount was deposited in her account. As far as the cheque is concerned, which is also issued by the co-accused. The forged appointment letter is also given by other co-accused. It is apparent from the entire investigation papers that, merely because the amount of Rs. 10,000/- was deposited in her account she is arraigned as an accused. Except that allegation there is absolutely no material to show that there was intention

since inception on the part of the present Applicant to dupe the Non-applicant No.2, and therefore, no *prima facie* case is made out against the present Applicant. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed**.
 - ii. The First Information Report in connection with Crime No. 709/2018 registered with Police Station Mahagaon, District Yavatmal for the offence punishable under Sections 420, 468, 469, 471 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No. 122/2024 pending before the Judicial Magistrate First Class, Mahagaon, are hereby quashed and set aside to the extent of present Applicant.
9. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)