



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

CRIMINAL APPLICATION (APL) NO. 100 OF 2024

APPLICANT :

Walmik S/o Sahebrao Dhone,
A/a – 37 years, Occupation – Farmer,
R/o Flat No.B602 Wing B Bakul Building
Jay Amba Garden City, Ring Road, Navsari,
Amravati – 444604.

VERSUS

NON-APPLICANTS :

1. The State of Maharashtra
Through Police Station Officer,
Police Station – Civil Lines Police
Station, Akola.
2. Dr. Kishor Shridharrao Dhone,
A/a – 45 years, Occupation – Doctor,
Resident of Flat No. , Ravi Nagar,
Goenka Layout, Civil Lines, Akola,
Maharashtra.

WITH

CRIMINAL APPLICATION (APL) NO. 101 OF 2024

APPLICANT :

Akshay S/o Pradeep Khade,
Age : 34, Occupation : Business,
R/o C/o Pradeep Khade 1036 Pitruichchaya
Near Sukhkarta Apartment, Khedekar Nagar,
Akola Maharashtra.

VERSUS

NON-APPLICANTS :

1. The State of Maharashtra
Through Police Station Officer,
Police Station – Civil Lines Police
Station, Akola.
2. Dr. Kishor Shridharrao Dhone,
A/a – 45 years, Occupation – Doctor,
Resident of Flat No. , Ravi Nagar,
Goenka Layout, Civil Lines, Akola,
Maharashtra.

WITH
CRIMINAL APPLICATION (APL) NO. 102 OF 2024

APPLICANT : Pallavi W/o Akshay Khade,
Age : 33, Occupation : Private,
R/o C/o Pradeep Khade 1036 Pitruichchaya
Near Sukhkarta Apartment, Khedekar Nagar,
Akola.

VERSUS

NON-APPLICANTS : 1. The State of Maharashtra,
Through Police Station Officer,
Police Station – Civil Lines Police
Station, Akola.

2. Dr. Kishor Shridharrao Dhone,
A/a – 45 years, Occupation – Doctor,
Resident of Flat No. , Ravi Nagar,
Goenka Layout, Civil Lines, Akola,
Maharashtra.

WITH
CRIMINAL APPLICATION (APL) NO. 103 OF 2024

APPLICANT : Pradeep S/o Haribhau Khade,
Age : 65, Occupation : Retired,
R/o: 1036 Pitruichchaya Near
Sukhkarta Apartment, Khedekar Nagar,
Akola Maharashtra.

VERSUS

NON-APPLICANTS : 1. The State of Maharashtra
Through Police Station Officer,
Police Station – Civil Lines Police
Station, Akola.

2. Dr. Kishor Shridharrao Dhone,
A/a – 45 years, Occupation – Doctor,
Resident of Flat No. , Ravi Nagar,
Goenka Layout, Civil Lines, Akola,
Maharashtra.

WITH
CRIMINAL APPLICATION (APL) NO. 104 OF 2024

APPLICANT : Ashay S/o Pradeep Khade,
 Age : 30, Occupation : Private,
 R/o C/o Pradeep Khade 1036 Pitruichchaya
 Near Sukhkarta Apartment, Khedekar Nagar,
 Akola, Maharashtra.

VERSUS

NON-APPLICANTS : 1. The State of Maharashtra
 Through Police Station Officer,
 Police Station – Civil Lines Police
 Station, Akola.

2. Dr. Kishor Shridharrao Dhone,
 A/a – 45 years, Occupation – Doctor,
 Resident of Flat No. , Ravi Nagar,
 Goenka Layout, Civil Lines, Akola,
 Maharashtra.

 Shri Anish Deep Verma, Senior Advocate assisted by Shri Prashant Vyas,
 Advocate for applicants.
 Mrs. Sneha Dhote, Additional Public Prosecutor for Non-applicant No.1-
 State.

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

JUDGMENT : (PER : URMILA JOSHI-PHALKE, J.)

JUDGMENT RESERVED ON : 10/12/2025

JUDGMENT PRONOUNCED ON : 17/12/2025

1. Heard. **Admit.** Heard finally with the consent of learned
 counsel for both the parties.

2. All these applications are preferred by the applicants
 therein for quashing of the First Information Report in connection

with Crime No.470/2023 registered under Sections 406, 420 r/w Section 34 of the Indian Penal Code, 1860 under Section 482 of the Code of Criminal Procedure, 1973.

3. The crime is registered on the basis of report lodged by Dr. Kishor Shridharrao Dhone, who is resident of Akola, Maharashtra. As per the allegations in February, 2022, the owner of Vivek Medical at Goenka Complex, Civil Lines Road introduced him with the present applicants and also informed that they have started a new business and asked him to invest the amount. Accordingly, he invested the amount with an expectation that he would earn a handsome amount. However, on 13/02/2022 at 12.00 noon, he received message on WhatsApp that 2% daily, 60% monthly and 720 % annually will be paid on the amount invested through mobile phone connect.

4. One Pradeep Haribhau Khade was also present in a seminar held on 13/02/2022 at Hotel Ratlam Lawn, Jatharpeth Chowk, Akola. It is further alleged that in the said seminar, 300 to 400 people were present and the said meeting was organized by all the applicants including the other co-accused. One of the applicants Akshay Pradeep Khade along with his family members organized the seminar in connivance with other co-accused and

obtained the investment amount. It is further alleged that the inducement was on the part of the present applicants that if they deposit the amount in Indian Currency, they will receive the amount in Dollars. Accordingly, the informant has invested huge amount and a total investment with the present applicants and the other co-accused in a Platin Ultima Scheme is more than Rs.50 crores (Rs.Fifty Crores). The applicants are the authorized agents and members of the said scheme and thus, informant was cheated by the present applicants.

5. Heard Shri Anish Deep Verma, learned Senior Advocate for the applicants who submitted that as far as applicants namely; Walmik Sahebrao Dhone, Pallavi Akshay Khade, Pradeep Haribhau Khade and Ashay Pradeep Khade are concerned, no specific role is attributed to them except their presence in the seminar, no other material is collected by the Investigating Officer to show their involvement, either in misappropriation of the amount or cheating. At the most, the allegation of the inducement can be attributed against them, the informant has invested the amount after understanding the whole scheme. Therefore, no offence is made out against them.

6. As far as the applicant - Akshay Pradeep Khade in Criminal Application (APL) No.101/2024 is concerned, though it is

alleged that he has accepted the amount from the investors but the amount is directly deposited in the account of the Company and therefore, question of paying amount to the said Akshay Pradeep Khade does not arise against whom also except the allegation of the inducement, no other case is made out. In view of that, all the applications deserve to be allowed.

7. Per contra, learned APP strongly opposed the said applications on the ground that except the inducement on the part of the present applicants, they have played an active role in inducing the informant to invest the amount. She submitted that considering the stake of the investment by all the investors is more than Rs.50 crores and several investors are duped, therefore, the applications deserve to be rejected.

8. Having heard learned counsel for the applicants and learned APP for the State, perused the recitals of the First Information Report and various documents filed on record. We have also perused the general terms and conditions of the PLC Ultima which read as under :-

“8(D) No guarantees / modification, restriction of services of PLC Ultima/transfer to third parties

(1) Your access to the website and the services of PLC Ultima is at your risk.

(2) PLC Ultima is authorized to modify the website and services offered by PLC Ultima free of charge without prior announcement or liability.

(3) PLC Ultima reserves the right to limit the use of services including the ability of contacting other members, through the website if PLC Ultima is of the opinion that such violate contractual or legal obligations or the services are otherwise abused.

(4) PLC Ultima does not guarantee that within the scope of the competent jurisdiction under your national law it is legal for you to use the services of PLC Ultima or to advertise such or to participate in any activities of PLC Ultima; that access to the PLC Ultima website is at any time faultless and interference-free, timely, or secure and that defects are rectified.

(5) PLC Ultima reserves the right to transfer, assign, sublicense or pledge, in whole or in part, its business, individual assets hereof or individual rights and obligations under this User Agreement to third parties without prior notice, provided that the third party also complies with applicable contract and other laws.”

9. On perusal of the recitals of the FIR, the allegations against the applicants excluding the applicant Akshay Pradeep Khade is only to the extent that they were present in the seminar and guided the investors to invest the amount on the ground that they can get the benefits for seven times, if they invest the money. Thus, it reveals that the investors had invested the amount considering the fact that they can get the handsome earning by investing the amount. Thus, at the most, the only role attributed to the applicants namely; Walmik Sahebrao Dhone, Akshay Pradeep Khade, Pallavi Akshay Khade, Pradeep Haribhau Khade and Ashay Pradeep Khade to the extent of their presence in seminar.

10. As far as the applicant – Akshay Pradeep Khade in Criminal Application (APL) No.101/2024 is concerned, the statements of the witnesses were recorded during the investigation especially, statement of Amol Gawande, Meghraj Gadge and various others shows that the applicant Akshay Khade has obtained the amount from them in cash. The account extract of Akshay Khade also shows that he received the amount in his account and the same is withdrawn by him. Thus, as far as the applicant Akshay Khade is concerned, there is prima facie material to show that he has obtained the benefits from the said investments.

11. In catena of decisions, the scope of Section 482 of the Code of Criminal Procedure is considered by the Hon'ble Apex Court in the case of State of Karnataka Vrs. L. Muniswamy, (1977) 2 SCC 699, it is observed by the Hon'ble Apex Court that the High Court in its inherent powers is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution.

12. In the case of Rajiv Thapar Vrs. Madan Lal Kapoor, (2013) 3 SCC 330, wherein it is observed that while exercising the

powers under Section 482 of the Code of Criminal Procedure, the High Court is required to undertake step-wise enquiry as mentioned in Para 30 of the said decision and if the answer to all the steps is in the affirmative, the High Court would be justified in quashing the criminal proceedings. Thus, the Hon'ble Apex Court in the case of **State of Haryana and others Vrs. Bhajan Lal and others**, reported in **1992 Supp. (1) SCC 335**, wherein the broad guidelines are laid down for quashing of criminal complaint which are as under :-

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

13. In view of the above guidelines issued by the Hon’ble Apex Court in the facts and circumstances of the present applications are concerned, it reveals that as far as applicants namely; Valmik Sahebrao Dhone in Criminal Application (APL) No.100/2024, Pallavi Akshay Khade in Criminal Application (APL) No.102/2024 and Pradeep Haribhau Khade in Criminal Application (APL) No.103/2024 and Ashay Pradeep Khade in Criminal Application (APL) No.104/2024 against whom no prima facie case is made out to put them to face the trial. Compelling them to face the trial would be an abuse of process of law. Therefore, these applications deserve to be allowed.

14. Whereas, the applicant - Akshay Pradeep Khade in Criminal Application (APL) No.101/2024 is concerned, on perusal of entire investigation papers, First Information Report and various statements recorded during investigation discloses that he had

received financial benefits from various investors by obtaining money from them in cash and used for its own benefits. At this stage, prima facie case is made out against him, in view of that their prayer for quashing of First Information Report deserves to be rejected. Accordingly, we proceed to pass the following order:-

ORDER

i] Criminal Application (APL) No.101/2024 is rejected.

ii] Criminal Application (APL) No.100/2024, Criminal Application (APL) No.102/2024, Criminal Application (APL) No.103/2024 and Criminal Application (APL) No.104/2024 are hereby allowed.

iii] The First Information Report in connection with Crime No.470/2023 against the applicants - Walmik Sahebrao Dhone, Pallavi Akshay Khade, Pradeep Haribhau Khade and Ashay Pradeep Khade is hereby quashed and set aside.

15. All the applications are disposed of accordingly.

[NANDESH S. DESHPANDE, J.]

[URMILA JOSHI-PHALKE, J.]