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MCRC-12943-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 29th OF APRIL, 2026MISC. CRIMINAL CASE No. 12943 of 2026*PRAMOD KUMAR SONI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:

Shri Ankit Saxena and Arihant Tiwari - Advocates for the petitioner.

Shri Abhijeet Awasthy - Deputy Advocate General for respondents/State.

Heard on : 16.04.2026

Pronounced on : 29.04.2026

ORDER

This petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashment of FIR bearing Crime No.473/2025 registered at Police Station Lakhanwara, District Seoni (M.P.) for offences punishable under Sections 310(2), 126(2), 140(3), 61(2) and 238(b) of the Bharatiya Nyaya Sanhita, 2023, along with all consequential criminal proceedings arising therefrom.

2. Case of prosecution is that on 09.10.2025, one Sohan Lal Parmar, a resident of Jalna, Maharashtra, lodged information at Police Station Kotwali alleging that his associate Mukhtar and driver Irfan Pathan had been



intercepted and robbed by personnel of Seoni Police. It was alleged that out of a total sum of Rs.2,96,50,000 being transported in a vehicle, an amount of Rs.1,45,00,000 had been unlawfully taken by police officials. Upon receipt of the complaint, the matter was escalated to senior police official, who ordered a preliminary inquiry. Shri Ayush Gupta, Additional Superintendent of Police, was appointed as the Inquiry Officer to ascertain the veracity of the allegations.

3. During the course of inquiry, it was revealed that the complainant and his associates were allegedly transporting a large sum of cash, suspected to be *hawala* money, in a Creta vehicle. The inquiry further disclosed that information regarding such transportation had reached the then SDOP, Pooja Pandey (co-accused). Acting upon the said information, Pooja Pandey allegedly conducted a raid along with a team of police officials including ASI Arpit Bhairam, Head Constables Ravindra Uike, Makhan Singh Inwati, and Rajesh Janghela, Constables Jagdish Yadav, Yogendra Chaurasiya, Subhash Sadaphal, Kedar Singh, Neeraj Rajpoot, and driver Reetesh Verma. It is alleged that after intercepting the vehicle and recovering the cash amount, the raiding party attempted to negotiate a settlement with the occupants of the vehicle, demanding 75% of the recovered amount. Subsequently, a sum of Rs.1,45,00,000 was allegedly taken by SDOP Pooja Pandey and the individuals Mukhtar and Irfan were released.

4. The inquiry report further states that the present petitioner was a Constable posted at Crime Branch, Jabalpur at the relevant time, has been implicated on the allegation that he passed on prior information received



from an informer, Panju Goswami, to co-accused Pankaj Mishra, who in turn informed the main accused Pooja Pandey. The implication of the petitioner is primarily based on call detail records (CDR) indicating telephonic contact between the petitioner, the informer, and co-accused persons. The Inquiry Officer, relying primarily on mobile phone call detail records and forensic analysis, concluded that the petitioner, Pankaj Mishra, and the informer were in contact before and after the alleged incident with the raiding party, and inferred their complicity in the alleged offence. During the course of investigation, an amount of Rs. 1,45,00,000 was recovered from the possession of co-accused Pooja Pandey and ASI Arpit Bhairam. Additionally, one Virendra Dixit, brother-in-law of Pooja Pandey, was also implicated in the alleged offence.

5. On the basis of the aforesaid inquiry report, the police registered FIR bearing Crime No.473/2025 at Police Station Lakhanwara, District Seoni, and after investigation, filed the charge-sheet against all the accused persons, including the present petitioner.

6. Learned counsel for the petitioner submits that the petitioner was not a member of the raiding party and had no role whatsoever in the alleged interception or recovery of money. The entire case against the petitioner rests solely on call detail records, which only indicate that calls were made, but do not disclose the contents or nature of communication. He further submitted that no call transcripts, recordings, or electronic evidence have been produced to establish any conspiracy or illegal agreement. Upon receiving information from the informer on 08.10.2025 at about 22:44 hours, the



petitioner immediately contacted his higher official, DSP Uday Singh Bagri on his mobile number 7974287356, but the inquiry officer did not consider this aspect while investigating the matter. The prosecution has deliberately withheld WhatsApp data and complete call records, which could have substantiated the petitioner's defence. He also argued that the allegation regarding sharing of a YouTube link is misconceived and unrelated to the present incident. There is no evidence of pre-meeting of minds, which is a sine qua non for establishing the offence of criminal conspiracy. The petitioner was arrested even before the forensic report was generated, indicating a hurried and pre-determined investigation influenced by extraneous factors. He further submitted that the case squarely falls within the category of abuse of process of law, warranting interference by this Court. In support of his contention, he has relied upon the following pronouncements passed by the Hon'ble Supreme Court :

1. **Union of India Vs. Prafulla Kumar Samal** reported in (1979) 3 SCC 4.
2. **Sherimon Vs. State of Kerala** reported in (2011) 10 SCC 768.
3. **Yogesh @ Sachin Jagdish Joshi Vs. State of Maharashtra** reported in (2008) 10 SCC 394.
4. **State of Haryana Vs. Bhajanlal** reported in AIR 1992 SUPREME COURT 604.

7. On the other side, counsel for the State opposed the petition submitting that the preliminary objection of State is regarding maintainability of present petition as the petitioner has an efficacious and specific statutory remedy available before the learned Trial Court by way of seeking discharge at the



appropriate stage of the proceedings and the petitioner instead of availing the remedy of discharge, has prematurely invoked the jurisdiction under Section 528 BNSS. On merit, he argued that the material collected during investigation and filed along with the charge-sheet clearly discloses the commission of cognizable offences and the involvement of the present petitioner as an active conspirator. It is settled law that at the stage of quashment, the Court is only required to examine whether a prima facie case is made out and not to meticulously appreciate evidence or conduct a mini-trial. The petitioner is not an innocent bystander, but a key link in the chain of conspiracy, who facilitated the commission of the offence by passing on sensitive information with the malafide intention. On 08.10.2025, the petitioner received specific and actionable intelligence from informer Panju Goswami regarding transportation of a huge amount of cash and instead of following lawful procedure, the petitioner communicated the said information to co-accused Pankaj Mishra. The said Pankaj Mishra further transmitted the information to the main accused Pooja Pandey, leading to the illegal interception and misappropriation of money. Thus, the petitioner acted as the originator of the information chain, without which the offence could not have been committed. He further argued that the prosecution relies upon Call Detail Records (CDR) and their forensic analysis, which reveal around 25 telephonic conversations between the petitioner and the informer Panju Goswami and around 16 calls between the petitioner and co-accused Pankaj Mishra. The is existence of continuous communication before, during, and even after the commission of the offence. These repeated and timed communications are not random or innocuous, but form a consistent pattern



pointing towards coordinated action.

8. It is further submitted that conspiracy is generally hatched in secrecy, and therefore, direct evidence is rarely available. The same can be established through circumstantial evidence, including conduct and communication patterns. The conduct of the petitioner clearly indicates guilty intent and active participation as the petitioner did not take any lawful action such as registering information or informing competent jurisdictional authorities in Seoni. The alleged call to a superior officer is an afterthought and a self-serving defence, not corroborated by complete and reliable records placed by the petitioner. The petitioner continued to remain in contact with co-accused even after the offence was committed, which is wholly inconsistent with his claim of bonafide conduct. He further argued that the petitioner had shared a YouTube link demonstrating methods to conceal or retrieve items from hidden cavities in vehicles, which is directly relevant to the modus operandi of the offence. The said electronic evidence was subsequently deleted, indicating a conscious attempt to destroy incriminating material. Such conduct attracts adverse inference and further strengthens the prosecution case. It is further argued that petitioner's defence cannot be considered at this stage and cannot be adjudicated in proceedings under Section 528 BNSS. It is well settled that quashing of FIR is an exceptional remedy, to be exercised sparingly and the present case does not satisfy the parameters laid down for quashment. He prays for dismissal of petition. In support of his contentions, learned Deputy Advocate General has placed reliance on the following judgments rendered by Hon'ble The Supreme Court :-



- (i) **Neeharika Infrastructure vs. State of Maharashtra [2021(19)SCC 401].**
- (ii) **Ajay Kumar Das vs. State of Jharkhand [2011(12) SCC 319].**
- (iii) **CBI vs. Arvind Khanna [2019(10) SCC 666].**
- (iv) **State of Odisha vs. Pratima Mohanti [2022(16) SCC 703].**
- (v) **CBI vs. Aryan Singh [2023(18) SCC 399].**
- (vi) **Kaptan Singh vs. State of U.P. [2021 (9) SCC 35].**

9. Heard the learned counsel for the parties and perused the charge-sheet.

10. Upon hearing learned counsel for the parties and perusing the material available on record, this Court is called upon to consider the preliminary objection raised by the respondent/State regarding the maintainability of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The principal contention of the respondent is that the petitioner has an efficacious alternative remedy of seeking discharge before the learned Trial Court and, therefore, the present petition is premature and not maintainable. This submission, though attractive at first blush, cannot be accepted as universally correct. It is well settled that the existence of an alternative remedy does not operate as an absolute bar to the exercise of jurisdiction under Section 528 BNSS, particularly if the petitioner is able to demonstrate that continuation of the proceedings would amount to an abuse of the process of law or would result in a miscarriage of justice. The jurisdiction under the said provision is wide and is intended, inter alia, to secure the ends of justice.

11. In the present case, the foundational allegation against the petitioner is



that he had passed on certain information regarding a vehicle allegedly carrying suspicious cash to co-accused Pankaj Mishra who passed the same to Pooja Pandey. Beyond this, there is no direct material indicating his participation in the alleged interception, negotiation, or misappropriation of money. Upon a careful and comprehensive perusal of the material placed on record, particularly the statements of the complainant Sohan Lal Parmar, Mukhtar Khan, driver-Irfan, Aman Gurnani, co-accused Pooja Pandey, and other police personnel including Arpit Bhairam, Neeraj Rajput, Subhash Sadafal, Makhan Singh Inwati, Jagdish Yadav, Yogendra Chaurasia, Reetesh Verma, Kedar Singh, Rajesh Janghela, Ajay Rai, as well as the statements of Deepak Mishra, Additional Superintendent of Police, Seoni, and Pankaj Mishra, this Court finds that there is no incriminating material whatsoever against the present petitioner. None of the witnesses, including the complainant and his associates, have made any allegation against the petitioner. Significantly, there is no material to show that the petitioner was in any manner in contact with the complainant party. No call detail or communication has been brought on record indicating any interaction between the petitioner and the complainant or his associates at any point of time. The statements of the complainant and other witnesses consistently attribute all overt acts to co-accused Pooja Pandey and the raiding party. There is no allegation that the petitioner was present at the spot, handled the cash, or derived any pecuniary benefit. It is further evident that the petitioner was not a member of the raiding party and had no direct role in the interception of the vehicle, recovery of the amount, or the alleged subsequent acts attributed to the co-accused persons.



12. The entire prosecution case against the petitioner rests on a singular allegation that he was in constant telephonic contact with co-accused Pankaj Mishra, Panju Goswami and Pooja Pandey, thereby suggesting his involvement in a criminal conspiracy. The prosecution seeks to implicate the petitioner primarily on the basis of call detail records and mobile forensic analysis indicating frequent communication between the petitioner and co-accused. However, the investigation itself reveals that the petitioner had merely forwarded information received from Panju Goswami to Pankaj Mishra. Beyond this, no overt act s been attributed to him.

13. After hearing learned counsel for the parties and perusing the case diary and charge-sheet, no overt act has been attributed to him in execution of the alleged crime. The prosecution relies heavily on CDRs. However, CDRs merely establish that calls were exchanged; same do not disclose the contents of conversation. No transcripts, voice recordings, or electronic messages have been placed on record. Mere telephonic contact, without anything more, cannot establish criminal conspiracy.

14. The material available in the case diary reflects that the petitioner received a WhatsApp call from the informer at about 10:44 PM, and without any undue delay, he contacted his superior officer, DSP Uday Singh Bagri, at around 10:50 PM. However, there is no material on record to indicate the exact nature of the information exchanged between them. Nonetheless, at this stage, the defence put forth by the petitioner appears to be prima facie plausible.

15. Further, for an offence of conspiracy, there must be cogent material indicating prior agreement or meeting of minds. In the present case no such



agreement is demonstrated. No communication directly linking the petitioner with the main accused Pooja Pandey has been established and the prosecution case is based on inference and suspicion, not concrete evidence. There is no evidence to indicate that the petitioner had any knowledge of, or participation in, the alleged illegal retention or misappropriation of the recovered amount. A crucial aspect of merits consideration is that the prosecution relies solely on call detail records. There is no call recording, no transcript of conversations, and no electronic chats or messages seized or produced before the Court. In absence of the contents of communication, the mere existence of calls without any substantive content demonstrating a prior meeting of minds or agreement to commit an illegal act, howsoever frequent cannot by itself constitute criminal conspiracy under Section 61(2) of the Bharatiya Nyaya Sanhita, 2023. Telephonic contact, in the nature of official communication between police officials, cannot be elevated to incriminating evidence without any supporting material indicating unlawful intent or agreement. Further, the investigation report dated 13.10.2025 itself proposed registration of FIR primarily against the main accused Pooja Pandey and other members of the raiding party. Even the principal accused has not made a single statement implicating the present petitioner in the alleged offence. This omission assumes significance and weakens the prosecution case against the petitioner.

16. As regards Sections 140(3), 310(2) and 126(2) BNS, which relate to kidnapping, dacoity and wrongful restraint, respectively, there is not even a whisper in the entire prosecution material attributing any overt act to the petitioner in the alleged commission of these offences. The gravamen of



these allegations pertains to the acts allegedly committed at the spot by the raiding party. The petitioner's role, even as per the prosecution, is too remote and disconnected to attract these provisions. In absence of any corroborative material, mere existence of call records, without more, is insufficient to infer complicity or establish any nexus between the petitioner and the alleged offence.

17. The invocation of Section 238(b) BNS on the basis of alleged deletion of electronic data is equally unsustainable. There is no material to show that such deletion was with the intent to cause disappearance of evidence of an offence. The allegation regarding deletion of the video is misconceived. The said video, as reflected from the material on record, was merely informational in nature, intended to demonstrate general techniques used in concealing or detecting illicit activities, particularly in cases involving hawala transactions. It cannot, by any stretch of imagination, be construed as having been shared with any criminal intent or in furtherance of the alleged offence. Even otherwise, its circulation, if at all, appears to be in good faith and for operational awareness in the course of duty, rather than to facilitate any illegal activity. In absence of any corroborative material linking the said video to the commission of the alleged offence, no adverse inference can be drawn against the petitioner.

18. Significantly, the record reveals that prior to the registration of the FIR, two preliminary enquiries were conducted by competent officers, and neither of them found any incriminating material against the petitioner. There is also no recovery effected from the petitioner, nor any evidence of wrongful gain. The material now relied upon by the prosecution, particularly



the call records, was already within the knowledge of the authorities during the enquiry stage and does not constitute any fresh incriminating circumstance. Even if the entire prosecution case is accepted as it stands, the act of the petitioner in passing on information regarding suspicious movement of cash cannot, by any stretch of imagination, be said to fall outside the ambit of his official duties. In the absence of any material indicating dishonest intention or active participation in the alleged misappropriation, the continuation of criminal proceedings against the petitioner would be unjustified.

19. The implication of the petitioner thus appears to be founded merely on suspicion arising out of call detail records. It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of proof. While suspicion may justify investigation or interrogation, it cannot form the basis of a charge-sheet in absence of cogent, credible, and legally admissible evidence. It is well settled that while exercising inherent jurisdiction under Section 482 of the Code of Criminal Procedure/528 of BNSS, this Court does not undertake a meticulous appreciation of evidence, but is nevertheless duty-bound to examine whether the material collected during investigation discloses the commission of any offence or raises a grave suspicion against the accused. The Hon'ble Supreme Court in **Prafulla Kumar Samal** (supra) has held that where the material gives rise only to some suspicion and not grave suspicion, the accused is entitled to be discharged, and continuation of proceedings would be unjustified. The relevant para is quoted hereinunder :

"10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:



(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.

(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial."

20. The principle laid down by the Hon'ble Supreme Court in **Prafulla Kumar Samal** (supra), though rendered in the context of framing of charge, has a clear and persuasive bearing while examining the legality of criminal proceedings at the threshold. The Court therein held that where the material on record gives rise only to some suspicion and not grave suspicion, the accused ought not to be compelled to face trial. By necessary analogy, this principle informs the exercise of inherent jurisdiction under Section 482 of the Code of Criminal Procedure/528 of BNSS as well, inasmuch as continuation of proceedings founded merely on conjectural or weak suspicion would amount to an abuse of process. It is equally well settled that



where the allegations and material, even if taken at face value, fail to disclose the essential ingredients of an offence or do not rise above mere suspicion, the Court would be justified in interdicting the proceedings at the inception.

21. In the present case, the prosecution primarily relies upon alleged WhatsApp calls and telephonic communications between the parties. However, it is an admitted position that there is no transcript, recording, or legally admissible electronic evidence placed on record to establish the contents of such conversations. At best, the material produced only indicates that certain calls were exchanged, which merely proves the factum of communication and not the substance thereof. In absence of any authenticated record in terms of the requirements of electronic evidence, the same cannot be treated as substantive material capable of establishing the ingredients of the alleged offence.

22. In the present case, the material on record fails to disclose any meeting of minds, prior agreement, or concerted action on the part of the petitioner so as to constitute an offence of conspiracy or any other alleged offence. The essential ingredients of the offences invoked are conspicuously absent qua the petitioner.

23. Thus, the entire edifice of the prosecution case rests on conjectures and unverified inferences, which do not travel beyond the realm of mere suspicion. The material on record fails to disclose any proximate or direct nexus between the petitioner and the alleged offence, nor does it give rise to the degree of grave suspicion as contemplated in **Prafulla Kumar Samal** (supra).

24. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal** reported



in 1992 **Supp (1) SCC 335** has authoritatively laid down the parameters governing the exercise of inherent powers for quashing of FIR and criminal proceedings. The Court held that where the allegations made in the FIR or the material collected during investigation, even if taken at their face value and accepted in entirety, do not prima facie constitute any offence or make out a case against the accused, such proceedings deserve to be quashed. It was further held that where the allegations are so absurd and inherently improbable that no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding, or where the proceedings are manifestly attended with mala fide and instituted with an ulterior motive, the High Court would be justified in exercising its jurisdiction to prevent abuse of the process of law. The said judgment thus clearly enunciates that criminal prosecution cannot be permitted to continue on the basis of mere suspicion, conjectures, or unsupported allegations. The relevant para is quoted herein under :

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(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."

25. In view of the foregoing analysis, this Court is of the considered opinion that the continuation of criminal proceedings against the present petitioner is wholly unwarranted and amounts to abuse of the process of law. The allegations against the petitioner are not supported by any substantive evidence and are based merely on conjectures and inferences drawn from call detail records, which by themselves are insufficient to establish criminal liability.

26. Accordingly, this Court is of the considered opinion that the essential



ingredients of offences punishable under Sections 310(2), 126(2), 140(3), 61(2) and 238(b) of the Bharatiya Nyaya Sanhita, 2023 are not made out against the present petitioner and the petition deserves to be and is hereby allowed. The charge-sheet and all consequential criminal proceedings arising out of Crime No.473/2025 registered at Police Station Lakhanwara, District Seoni (M.P.), insofar as they relate to the present petitioner, are hereby quashed.

(HIMANSHU JOSHI)
JUDGE