Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4020 OF 2024

Raman Sharma .. Petitioner

Versus

Central Bureau of Investigation Agency, Anti Corruption Bureau, Mumbai and Anr. .. Respondents

WITH

WRIT PETITION (ST) NO. 10599 OF 2024

Ashish Bhopal Hingarh .. Petitioner

Versus

CBI, ACB, Mumbai and Anr. .. Respondents

WITH

WRIT PETITION (ST) NO. 10600 OF 2024

Rishiraj Singh Chawla .. Petitioner

Versus

CBI, ACB, Mumbai and Anr. .. Respondents

WITH

WRIT PETITION NO. 4332 OF 2026

Paul Arnold Louis .. Petitioner

Versus

Central Bureau of Investigation Agency, Anti Corruption Bureau, Mumbai and Anr. .. Respondents

.....

- Mr. Wesley Menezes a/w. Waqur Pathan, Mr. Rishi Mehta and Creesh Jain for Petitioner in Writ Petition No.4020 of 2024.
- Mr. Haresh Jagtiani, Senior Advocate a/w. Mr. Pushpvijay Kanoji, Ms. Rutuja Pawar, Advocates i/by Haresh Jagtiani & Associates for Petitioner in Writ Petition (St.) Nos.10599 of 2024 and 10600 of 2024.
- Mr. Viral Babar a/w. Mr. Dhavan Shah and Mr. Yasir Khan, Advocates for Petitioner in Writ Petition No.4332 of 2026.
- Mr. Kuldeep Patil a/w. Ms. Sanika Joshi and Bilar Ansari, Advocates for Respondent No.1 – CBI in all Writ Petitions.
- Mr. Amit Munde, APP for Respondent – State.

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 05, 2026.

P.C.:

1. Heard Mr. Menezes, learned Advocate for Petitioner in Writ Petition No.4020 of 2024; Mr. Jagtiani, learned Senior Advocate for Petitioner in Writ Petition (St.) Nos.10599 of 2024 and 10600 of 2024; Mr. Babar, learned Advocate for Petitioner in Writ Petition No.4332 of 2026; Mr. Patil, learned Advocate for Respondent No.1 – CBI in all Writ Petitions and Mr. Munde, learned APP for Respondent No.2 – State.

2. Writ Petition No.4332 of 2026 is listed on Board. Mr. Patil submit that he has no instructions in this matter, though Mr. Dighe has placed before me the proof of service on Respondent No.1. There is no reply filed by CBI in this matter. Hence, considering this situation I have directed Mr. Patil to appear in this matter also on behalf of the CBI and assist the Court today which he has done ably, as no purpose will be served in adjourning the matter and to prolong the ignominy of the Petitioner therein who gave his life and blood for 26 years to his employer Jet Airways. Further CBI has filed Affidavit in the other 3 matters in which all pleadings are complete and the defence of CBI is likely to be the same in all four matters.

3. Present Writ Petition seeks to quash FIR

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

No.RC/026/2023/A/0029 dated 11.07.2023, charge-sheet dated 30.12.2023, Order dated 06.04.2024 passed by Special Case No.612 of 2024 and all consequential proceedings before the Special Judge for CBI, ACB at Mumbai for offences punishable under Sections 7 and 8 of the Prevention of Corruption Act, 1988 (for short "**PC Act**") and Sections 120(B) of the Indian Penal Code, 1860 (for short "**IPC**").

4. This is a group of four (4) Writ Petitions and are are decided by this common order since the facts of the case are common and identical as also the period of occurrence of the alleged offences in all four Writ Petition is the same and most importantly indictment of all four Petitioners before me is under identical Sections of the PC Act and IPC.

5. Brief facts of the case are as under:-

5.1. **(i)** Petitioner - Raman Sharma in Writ Petition No.4020 of 2024 is a Senior Commander and Commercial Airline Pilot for the past 38 years initially posted with Indian Airlines and thereafter having served with Jet Airways for 24 years up to June 2019 and currently based in Doha, Qatar; **(ii)** Petitioner - Ashish Bhopal Hingarh in Writ Petition (ST) No.10599 of 2024 is a Pilot initially posted with Jet Airways and currently based in Doha, Qatar; **(iii)** Petitioner - Rishiraj Singh Chawla in Writ Petition (ST) No.10600 of 2024 is a Pilot initially posted with Jet Airways and currently based in Doha, Qatar; and **(iv)**

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

Petitioner - Paul Arnold Louis in Writ Petition No.4332 of 2026 is a retired Airline ground staff employee who worked for the past 26 years.

5.2. It is prosecution case that on 06.02.2023, a complaint was addressed by Regional Provident Fund Commissioner (Vigilance) to the Head of Branch, CBI, ACB, Mumbai stating that one Machindra Jagannath Bamne, Senior Social Security Assistant (Sr. SSA) while on duty as a Dealing Assistant in the Accounts Section of the Regional Office, Kandivali (East), Mumbai, demanded and received illegal gratification from Provident Fund claimants in lieu of settlement of their provident fund claims. The said complaint was accompanied by a preliminary investigation report and permission under Section 17A of PC Act.

5.3. It is the prosecution case that during the course of an investigation conducted by the Zonal Vigilance Directorate, EPFO, West Zone, Mumbai against Machindra Jagannath Bamne (Accused No.1), and it revealed that he was involved in various fraudulent activities. It is prosecution case that he received illegal gratification in his own bank account as well as in the bank account of his wife namely Rupali Machindra Bamne through multiple modes of online banking from employees of various establishments in consideration of settlement of their provident fund claims. The said transactions were

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

verified by cross-checking the credit entries in the bank accounts of the Accused No.1 and his wife with the corresponding debit entries in the bank accounts of the employees whose provident fund claims were settled by Machindra Jagannath Bamne (Accused No.1).

5.4. It is prosecution case that suspicious credit transactions aggregating to approximately Rs.1,77,000/- were noticed in the bank accounts of Machindra Jagannath Bamne (Accused No.1) and his wife. The said amounts were allegedly transferred by thirteen (13) employees of Jet Airways including four (4) Petitioners before me.

5.5. On the basis of the aforesaid complaint and the preliminary investigation, it is alleged that the acts of accused persons including Petitioners disclosed commission of offences punishable under PC Act and IPC. Accordingly, the Central Bureau of Investigation, Anti-Corruption Bureau, Mumbai, registered a Regular Case against 15 accused persons including Petitioners.

5.6. Hence, pursuant to registration of the aforesaid crime, the Investigating Officer summoned the Petitioners for the purpose of investigation. Petitioners accordingly appeared before the investigating officer at the office of the CBI, ACB, Mumbai and submitted a detailed reply to the queries raised during the course of investigation.

5.7. On completion of the investigation, the CBI, ACB, Mumbai, filed a charge-sheet against Petitioners along with other co-accused

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

persons before the Special Court, CBI, ACB, Mumbai. The said proceedings came to be registered as Special Case No.612 of 2024 and are pending adjudication before the Special Court. Thereafter, 06.04.2024, the Special Court, CBI, ACB, Mumbai, ordered issuance of process against Petitioners along with other co-accused persons.

5.8. Being aggrieved by the registration of the aforesaid crime and the consequential proceedings initiated against them, all four (4) Petitioners have approached this Court by way of filing the present Writ Petitions for quashing of the FIR *qua* them on merits.

6. Mr. Menezes, learned Advocate for Petitioner - Raman Sharma in Writ Petition No.4020 of 2024 would submit that Petitioner is a 57-year-old Senior Commander and Commercial Airline Pilot having an unblemished professional career spanning 38 years, including 24 years of service with Jet Airways and is presently based in Doha, Qatar. He would submit that following the liquidation of Jet Airways in 2019 and subsequent COVID-19 pandemic, Petitioner was faced severe financial difficulties and was unable to access his accumulated Provident Fund dues due to repeated technical glitches on the EPFO portal and defects in the online documentation process.

6.1. He would submit that in May 2020, Petitioner was provided with contact details of Accused No.1 - Machindra Jagannath Bamne, through a Jet Airways Pilots' WhatsApp group wherein he was

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

recommended by other employees as a “private consultant” who could assist in processing Provident Fund claims. He would submit that Petitioner never met Accused No.1 personally and interacted with him only over telephone during which Accused No.1 represented himself as a “private consultant” and offered to assist with the necessary paperwork for a consultancy fee. He would submit that Petitioner, pursuant to such assistance, received his legitimate Provident Fund entitlement of Rs.50,00,000/- and subsequently transferred an amount of Rs.15,000/- through NEFT on 19.09.2020 towards consultancy charges. He would submit that the said payment was made openly through regular banking channel and there was absolutely no material to suggest that Petitioner was aware that Accused No.1 was an EPFO employee or a public servant, much less that the payment was intended as illegal gratification.

6.2. He would submit that even if the entire material collected by the CBI is accepted at its face value, the essential ingredients of the offence punishable under Section 8 of the PC Act are not made out against Petitioner, as there is no material to establish any knowledge, intention or inducement on his part to influence a public servant to improperly perform his official duty. He would submit that the prosecution has not alleged that Petitioner was ineligible to withdraw his Provident Fund dues or that any unlawful benefit was conferred upon him by bypassing the prescribed procedure. He would further

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

submit that the mere fact that Petitioner and other former employees of Jet Airways independently approached the same person for assistance in withdrawing their respective Provident Fund dues cannot constitute a criminal conspiracy under Section 120-B of IPC, in the absence of any material indicating a prior agreement or meetings of mind or *mens rea* between them. He would submit that the charge-sheet does not disclose any concerted action attributable to Petitioner and invocation of Section 120-B of IPC is therefore wholly unsustainable.

6.3. He would submit that the very foundation of the prosecution is vitiated as the prior approval under Section 17A of the PC Act was granted by the Regional Provident Fund Commissioner-I who according to Petitioner, was not the Competent Authority under the said provision and consequently the investigation and subsequent proceedings stand vitiated. He would submit that there is also an unexplained variance between the FIR which invokes Sections 7 and 12 of the PC Act and charge-sheet which subsequently invokes Section 8 of the PC Act, without attributing any specific overt act constituting the said offence to Petitioner. He would submit that the continuation of the prosecution would seriously prejudice Petitioner, whose professional commitments as an international airline pilot require him to travel across jurisdictions and whose livelihood is likely to be affected by the pendency of the criminal proceedings. He would submit

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

that similarly placed co-accused have already approached this Court and the trial has been stayed by order dated 10.05.2024. He would therefore submit that the FIR, charge-sheet and the order issuing process deserve to be quashed and set aside in the interest of justice.

7. Mr. Jagtiani, learned Senior Advocate for Petitioners in Writ Petition (St.) Nos.10599 of 2024 and 10600 of 2024 would submit that both Petitioners are pilots initially employed with Jet Airways which went into liquidation in the year 2019, resulting in substantial financial hardship on account of non-payment of their salaries and other service dues. He would submit that Petitioner in Writ Petition (St.) No.10599 of 2024 had accumulated Provident Fund dues of approximately Rs.14,00,000/- whereas Petitioner in Writ Petition (St.) No.10600 of 2024 had accumulated Provident Fund dues of approximately Rs.91,00,000/-. He would submit that both Petitioners made several attempts to withdraw their legitimate Provident Fund dues through the online EPFO portal but the same were unsuccessful on account of technical glitches and KYC-related errors. He would submit that during this period Petitioners were independently informed that Accused No.1 - Machindra Bamne along with his wife was privately operating a consultancy service for facilitating the release of Provident Fund dues against reasonable consultancy charges.

7.1. He would submit that acting upon such representations and

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

under a *bona fide* belief that Accused No.1 and his wife were private consultants, Petitioners transferred amounts of Rs.10,000/- and Rs.15,000/- respectively through IMPS transactions to the bank account provided to them. He would submit that Petitioners had no knowledge whatsoever that Accused No.1 was a public servant within the meaning of Section 2(c) of the PC Act or that he was allegedly operating the consultancy service in violation of the rules of the EPFO.

7.2. He would submit that Petitioners received their legitimate Provident Fund dues during the period 2019-2020 and only upon receipt of summons pursuant to the order dated 06.04.2024 they became aware of status of Accused No.1 as a public servant.

7.3. He would submit that a bare perusal of the charge-sheet and the material collected during investigation does not disclose any evidence to establish that Petitioners were aware that Accused No.1 was a public servant or the amounts transferred by them were intended to induce him to improperly perform any public duty. He would submit that knowledge and intention are essential ingredients of Section 8 of the PC Act and the prosecution has failed to establish any such intention on the part of Petitioners.

7.4. He would further submit that the charge-sheet itself records that Accused No.1 had concealed from the EPFO administration the fact that he was running a consultancy service in the name of his wife,

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

which supports Petitioners' contention that they were led to believe that they were dealing with private consultants. He would submit that the charge-sheet further reveals that Accused No.1 in his capacity as Senior Social Security Assistant had no independent authority to sanction or approve the release of Provident Fund claims and was merely required to process the files and place them before the superior officer for approval. He would submit that claims of Petitioners were approved by Prosecution Witness No.13 - Tushar Gujarathi, who was working as an Accounts Officer. He would submit that Petitioners had never visited the EPFO office or personally met Accused No.1 as their interaction was confined to seeking assistance for processing their respective Provident Fund claims.

7.5. He would submit that the invocation of Section 120-B of IPC is wholly misconceived as there is no material whatsoever to establish any agreement or meeting of minds between the thirteen (13) employees of Jet Airways to commit an illegal act. He would submit that each of the employees had independent Provident Fund accounts and had separately approached Accused No.1 for assistance in obtaining their respective legitimate dues. He would submit that the charge-sheet does not disclose any communication, prior understanding or concerted action amongst Petitioners or the other employees which could establish a common arrangement to induce Accused No.1 to improperly perform his official duties.

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

7.6. He would submit that merely because Petitioners independently engaged the services of the same alleged consultant and transferred amounts to his bank account cannot constitute criminal conspiracy in the absence of material establishing a meeting of minds. In support of his submissions, he has referred to and relied upon the decision of the Supreme Court in the case of ***Gulam Sarbar Vs. State of Bihar***[1], to contend that the essential requirement of an agreement between the accused persons to commit an illegal act must be established.

7.7. He would therefore submit that even if the entire prosecution case is accepted at its face value, the essential ingredients of the offences punishable under Section 8 of the PC Act and Section 120-B of IPC are not made out against Petitioners. He would submit that Petitioners had merely sought assistance in obtaining their own legitimate Provident Fund dues and there is no material to suggest that they intended to confer any undue advantage upon a public servant or induce him to act improperly in discharge of his official duties.

7.8. Hence, he would submit that continuation of the criminal proceedings in the absence of any *prima facie* material disclosing the commission of the alleged offences would amount to an abuse of the process of law. He would therefore submit that the FIR, charge-sheet and the order issuing process deserve to be quashed and set aside

1 (2014) 3 SCC 401

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

insofar as the Petitioners are concerned.

8. Mr. Babar, learned Advocate for Petitioner – Paul Arnold Louis in Writ Petition No.4332 of 2026 would submit that Petitioner is a retired airline employee who had served for approximately 26 years. He would submit that the prosecution case against Petitioner is confined to a transfer of Rs.5,000/- on 07.10.2020 to the joint bank account of Accused No.1 and his wife whereas Petitioner's Provident Fund claim of Rs.1,50,000/- had already been processed on 03.10.2020. He would submit that Petitioner approached Accused No.1 under the *bona fide* belief that he was an EPFO consultant or agent who could assist him in processing and obtaining release of his legitimate Provident Fund dues. He would submit that the amount of Rs.5,000/- was paid through a banking channel towards consultancy charges as Petitioner had no knowledge that Accused No.1 was a public servant.

8.1. He would submit that the essential ingredient of Section 8 of the PC Act is the intention to induce a public servant to perform improperly a public duty or to reward such public servant for the improper performance of public duty. He would submit that the mere transfer of money to a person who is subsequently found to be a public servant does not by itself constitute an offence under Section 8 of the PC Act. He would submit that the charge-sheet does not disclose any

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

meeting, conversation, communication, demand or prior arrangement from which it could be inferred that Petitioner knew the official status of Accused No.1 or intended to procure any improper act in the discharge of his public duty. He would submit that Accused No.1 held himself out as a private consultant and amount was paid towards assistance in obtaining Petitioner's own legitimate Provident Fund dues. He would submit that the fact that the payment was made through a traceable banking channel, coupled with the nature and circumstances of the transaction are relevant circumstances which ought to be considered while examining the alleged intention of Petitioner.

8.2. He would submit that the timing of the transaction is significant inasmuch as Petitioner's Provident Fund claim was processed on 03.10.2020 whereas the alleged transfer of Rs.5,000/- was made on 07.10.2020. He would submit that the prosecution is required to establish whether the payment was intended as a reward for any improper performance of public duty or whether it was paid as consultancy consideration to a person whom Petitioner believed to be an agent. He would submit that the mere fact that the Provident Fund claim was processed and an amount was subsequently transferred to an account associated with Accused No.1 cannot in the absence of material establishing intention and impropriety constitute an offence under Section 8 of the PC Act. He would submit that Accused No.1

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

being a Senior Social Security Assistant was required to process the claim and place it before the competent superior officer for approval and prosecution must identify the particular act of improper performance attributable to the transaction concerning Petitioner.

8.3. He would submit that the charge under Section 120-B of IPC is equally unsustainable as the Petitioner had no involvement in the individual dealings between Accused No.1 and the other Provident Fund claimants. He would submit that criminal conspiracy necessarily requires an agreement between two or more persons to commit an illegal act or to do a legal act by illegal means and that such agreement may be inferred from circumstances but the circumstances must disclose a meeting of minds. He would submit that the charge-sheet does not identify any communication, common planning, coordinated conduct or other material connecting Petitioner with the alleged conspiracy involving the other employees of Jet Airways.

8.4. He would submit that independent transactions by different Provident Fund claimants with the same consultant cannot by themselves be treated as evidence of a common criminal planning. He would therefore submit that the material placed on record by the prosecution does not disclose the essential ingredients of the offences alleged against Petitioner. He would therefore urge the Court that the FIR, charge-sheet and the order dated 06.04.2024 issuing process be quashed and set aside.

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

9. Mr. Patil, learned Advocate appearing for Respondent-CBI, would oppose all four (4) Writ Petitions. He has drawn my attention to the Affidavits-in-Reply filed by Mr. Anish Kumar Verma, Inspector of Police, CBI, ACB, Mumbai on behalf of Respondent-CBI, dated 09.07.2024 appended at Page Nos. 154, 209 and 206 of the respective Writ Petitions. He would submit that the investigation has revealed that Accused No.1 was posted as Senior Social Security Assistant in the Accounts Section of the Regional Office of EPFO at Kandivali (East), Mumbai, during the period 2019 to 2022. During discharge of his official duties he was entrusted with processing the Provident Fund claims of employees of M/s. Jet Airways and forwarding the same to the concerned Accounts Officer for approval.

9.1. He would submit that the investigation has revealed that Accused No.1 being a public servant had obtained undue advantage from 13 employees of Jet Airways including Petitioners herein for processing their Provident Fund claims during the period 2019 to 2021. He would submit that the *modus operandi* adopted by Accused No.1 was to receive amounts through bank transfers in his own joint bank account held with his wife with ICICI Bank. He would submit that investigation established a clear correlation between payments received in the said account and the subsequent processing and settlement of the respective Provident Fund claims.

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

9.2. He would submit that the statement of Hemant Janardhan Lokhande, PW-31, Senior Social Security Assistant, EPFO, Kandivali (East) supports the prosecution case. He would submit that prosecution witness has disclosed that these employees of Jet Airways used to visit EPFO office to meet Accused No.1 and they were also aware of Accused No.1 accepting illegal gratification for clearance of Provident Fund claims. He would submit that the said witness has stated about disputes between claimants and Accused No.1 concerning rejection of their claims on trivial grounds and the fact that the employees were aware that their claims could be settled by bribing him.

9.3. He would submit that the allegations against Petitioners are not based on mere suspicion or their association with the principal accused. He would submit that investigation has disclosed specific financial transactions between respective Petitioners and joint bank account of Accused No.1 and his wife. He would submit that the timing of these transactions in relation to processing of the respective Provident Fund claims is a significant circumstance which cannot be brushed aside at this stage. He would submit that Petitioners had contacted Accused No.1 and transferred amounts to his bank account in connection with the processing of their Provident Fund claims. He would forcefully submit that the explanation sought to be offered by Petitioners that the amounts were paid towards consultancy charges is

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

a matter of defence and cannot be accepted as conclusive at the stage of considering the prayer for quashing.

9.4. He would submit that insofar as Petitioner - Raman Sharma is concerned investigation has revealed that he transferred Rs.20,000/- on 01.05.2020 and Rs.15,000/- on 19.09.2020 from his HDFC Bank account to the joint account of Accused No.1 and his wife maintained with ICICI Bank. He would submit that the Provident Fund claims of Petitioner - Raman Sharma each amounting to Rs.50,00,000/-, were processed on 05.05.2020 and 21.09.2020 respectively. He would submit that the proximity between dates of the transfers and processing of claims coupled with admitted communication between Petitioner and Accused No.1, *prima facie* establishes the nexus between the payments made and the official work undertaken by Accused No.1.

9.5. He would submit that insofar as Petitioner - Rishiraj Singh Chawla is concerned investigation revealed that an amount of Rs.15,000/- was transferred by him on 09.05.2020 from his bank account to the joint account of Accused No.1 and his wife. He would submit that immediately thereafter the Provident Fund claim of Petitioner - Rishiraj Singh Chawla amounting to Rs.90,66,552/- was processed and credited to his account on 13.05.2020. He would submit that the aforesaid transaction is supported by bank records collected

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

during investigation and establishes a *prima facie* nexus between payment made and processing of the claim.

9.6. He would submit that insofar as Petitioner - Ashish Bhopal Hingarh is concerned, investigation revealed that his Provident Fund claim was processed on 31.12.2019 and an amount of Rs.14,00,000/- was credited to his bank account. He would submit that amount of Rs.10,000/- was thereafter transferred by him on 02.01.2020 from his HDFC Bank account to the joint account of Accused No.1 and his wife. He would submit that Petitioner himself admitted transfer of the said amount and communication with Accused No.1. He would submit that this payment when considered alongside the processing of the claim, *prima facie* attracts the provisions of Section 8 of the Prevention of Corruption Act, 1988.

9.7. He would submit that the defence taken by Petitioners that Accused No.1 was acting as a "private consultant" and amounts were paid towards professional or consultancy charges cannot be accepted at this stage. He would submit that Accused No.1 was a public servant posted in the EPFO office and was entrusted with processing the Provident Fund claims of the employees of Jet Airways. He would submit that Petitioners were aware that he was dealing with their claims in his official capacity. He would submit that Petitioners have admitted having contacted the said public servant and transferred the

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

respective amounts to his bank account. He would submit that the statement of PW-31 and the other material collected during investigation *prima facie* contradict the defence that the payments were towards legitimate consultancy services.

9.8. He would submit that whether the amounts were paid as consultancy charges or as undue advantage for processing the claims is a matter which requires appreciation of evidence during trial.

9.9. He would submit that the offence of criminal conspiracy under Section 120-B of the IPC need not necessarily be established through direct evidence. He would submit that the agreement between conspirators can be inferred from the surrounding circumstances and the conduct of parties. He would submit that Petitioners' communication with a public servant, the money transfers made to his bank account and subsequent processing of their respective claims, when considered collectively, disclose a *prima facie* case of an agreement to secure improper processing of Provident Fund claims. He would submit that investigation has revealed similar transactions involving other employees of Jet Airways which indicate that the acts were not isolated transactions but formed part of a common course of conduct.

9.10. He would submit that Section 8 of the PC Act specifically criminalises the giving or promising to give an undue advantage to a

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

public servant with the intention of inducing improper performance of public duty or rewarding such public servant for improper performance of such duty. He would submit that the material collected during investigation *prima facie* attracts the said provision against Petitioners. He would submit that the offence under Section 120-B of the IPC is independent of the substantive offence and existence of a conspiracy can be established from the cumulative circumstances emerging from the investigation.

9.11. He would submit that investigation was undertaken pursuant to complaint received from competent authority of EPFO and after obtaining requisite permission under Section 17A of the PC Act. He would submit that charge-sheet against the public servant was filed after obtaining requisite sanction for his prosecution under Section 19 of the PC Act. He would therefore submit that investigation and consequential prosecution have been undertaken in accordance with law and there is no procedural infirmity warranting interference by this Court.

9.12. He would submit that the present four (4) cases involve a systematic arrangement wherein a public servant entrusted with processing Provident Fund claims of employees of Jet Airways obtained undue advantage from several claimants. He would submit that the material collected during investigation, including bank statements,

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

transaction records, statements of witnesses and admissions made by respective Petitioners, establish sufficient grounds for proceeding against them. He would submit that Petitioners cannot seek evaluation of evidentiary material or invite this Court to undertake a mini-trial in proceedings under Article 226 of the Constitution of India. He would submit that respective defences raised by Petitioners are matters for consideration by the Trial Court upon appreciation of the evidence.

9.13. He would submit that the charge-sheet discloses commission of cognizable offences and the Special Court has rightly taken cognizance and issued process against the accused persons. He would submit that none of the grounds raised by Petitioners warrant exercise of the extraordinary jurisdiction of this Court for quashing the criminal proceedings. He would accordingly pray that all four (4) Writ Petitions be dismissed.

10. Mr. Munde, learned APP for Respondent No.2 – State has adopted the submissions advanced by Mr. Patil and hence for convenience they are not reiterated herein.

11. I have heard Mr. Menezes, learned Advocate for Petitioner in Writ Petition No.4020 of 2024; Mr. Jagtiani, learned Senior Advocate for Petitioner in Writ Petition (St.) Nos.10599 of 2024 and 10600 of 2024; Mr. Babar, learned Advocate for Petitioner in Writ Petition No.4332 of 2026; Mr. Patil, learned Advocate for Respondent No.1 –

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

CBI in all Writ Petitions and Mr. Munde, learned APP for Respondent No.2 – State and with their able assistance perused the record of all four Petitions. Submissions made by learned Advocates at the bar have received due consideration of the Court.

12. At the outset, it is seen that the controversy involved in the four (4) Writ Petitions is substantially identical. Prosecution case against all four (4) Petitioners arises out of their individual transactions with Accused No.1 who was working as a Senior Social Security Assistant in the EPFO office at Kandivali (East), Mumbai. The common allegation is that Petitioners transferred certain amounts to the joint bank account of Accused No.1 and his wife in consideration of processing their respective Provident Fund claims. The question which therefore arises for consideration is whether the material collected during investigation, even if accepted in its entirety, discloses the essential ingredients of the offences alleged against Petitioners under Sections 7 and 8 of the PC Act and Section 120-B of the IPC.

13. It is seen that Petitioners were employees of Jet Airways and had accumulated Provident Fund dues during their employment. Following the financial difficulties faced by Jet Airways and its eventual liquidation Petitioners approached the EPFO for withdrawal of their accumulated Provident Fund dues. It is the specific case of Petitioners that they had initially attempted to withdraw their dues

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

through the online portal but were unable to do so on account of technical difficulties and issues relating to documentation and KYC verification. It is in these circumstances that they got introduced to Accused No.1 on the employees WhatsApp groupwho represented himself as a private consultant capable of assisting them in completing the necessary formalities for withdrawal of their Provident Fund dues.

14. It is further seen that the prosecution does not dispute that Petitioners were entitled to receive their respective Provident Fund dues. There is no allegation that any of the Petitioners submitted false documents or had sought release of amounts to which they were not legally entitled. There is also no specific allegation that the Petitioners had obtained any benefit by bypassing the prescribed procedure or by securing approval of claims which were otherwise not admissible. The prosecution case is essentially founded upon the payments made by Petitioners to the bank account of Accused No.1 and his wife and the proximity of such payments to the processing of their respective claims.

15. In this background, it would be necessary to examine the relevant provisions of the PC Act and the IPC in order to ascertain whether the allegations made against Petitioners satisfy the statutory ingredients of the offences alleged. Section 8 of the Prevention of Corruption Act, 1988 reads as under:-

> *"**8. Offence relating to bribing of a public servant.**—(1) Any person who gives or promises to give an undue advantage to*

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

another person or persons, with intention—
(i) to induce a public servant to perform improperly a public duty; or
(ii) to reward such public servant for the improper performance of public duty,
shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both: Provided that the provisions of this section shall not apply where a person is compelled to give such undue advantage:
Provided further that the person so compelled shall report the matter to the law enforcement authority or investigating agency within a period of seven days from the date of giving such undue advantage:
Provided also that when the offence under this section has been committed by commercial organisation, such commercial organisation shall be punishable with fine.
Illustration.—A person, 'P' gives a public servant, 'S' an amount of ten thousand rupees to ensure that he is granted a license, over all the other bidders. 'P' is guilty of an offence under this sub-section.
Explanation.—It shall be immaterial whether the person to whom an undue advantage is given or promised to be given is the same person as the person who is to perform, or has performed, the public duty concerned, and, it shall also be immaterial whether such undue advantage is given or promised to be given by the person directly or through a third party.
(2) Nothing in sub-section (1) shall apply to a person, if that person, after informing a law enforcement authority or investigating agency, gives or promises to give any undue advantage to another person in order to assist such law enforcement authority or investigating agency in its investigation of the offence alleged against the later."

16. A plain reading of the aforesaid provision would indicate that the essential ingredient of the offence under Section 8 is the giving or promising to give an undue advantage to another person with the intention of inducing a public servant to perform improperly a public duty or rewarding such public servant for the improper performance of public duty. Therefore, mere payment of money to a person who happens to be a public servant would not by itself be sufficient to constitute an offence under the said provision. The prosecution must *prima facie* establish the requisite intention accompanying the payment

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

and its connection with the improper performance of public duty.

17. In the present case, it is not sufficient for the prosecution to merely demonstrate that Petitioners transferred certain insignificant amounts to the joint bank account of Accused No.1 and his wife. It is necessary for the prosecution to place material indicating that Petitioners knew that Accused No.1 was a public servant and that the amounts were being paid either to induce him to improperly perform his official duties or to reward him for such improper performance. The intention contemplated under Section 8 cannot be presumed merely from the fact of transfer of money. Such intention must be discernible from the material gathered during investigation.

18. It is seen that the consistent defence of all four (4) Petitioners is that Accused No.1 had held himself out as a private consultant and had offered to assist them in completing the formalities relating to withdrawal of their Provident Fund dues. Petitioners have specifically contended that they had no knowledge of his employment with the EPFO or his status as a public servant. Significantly, the prosecution material itself indicates that Accused No.1 concealed from the EPFO administration the fact that he was operating a consultancy arrangement in the name of his wife. This circumstance lends support to the contention of Petitioners that they were dealing with a person whom they believed to be a private consultant.

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

19. It is further seen that prosecution has not placed any specific material to demonstrate that Accused No.1 had disclosed his official designation to any of the Petitioners or that any of the Petitioners had visited the EPFO office and approached him in his official capacity. There is also no specific allegation of any demand for illegal gratification made by Accused No.1 to any of the Petitioners. The fact that Petitioners had communicated with Accused No.1 over telephone and thereafter transferred amounts to his bank account would not in the absence of material indicating the requisite intention, be sufficient to attract Section 8 of the PC Act.

20. At this stage, it would also be necessary to consider the nature of the official duties discharged by Accused No.1. The Affidavits-in-reply filed on behalf of the CBI indicate that Accused No.1, in his capacity as Senior Social Security Assistant, was required to verify the Provident Fund claims and the relevant KYC particulars and thereafter forward the claims to the concerned Accounts Officer for approval. It is the case of Petitioners that the final approval of their respective claims was granted by Prosecution Witness No.13, Mr. Tushar Gujarathi, who was working as an Accounts Officer.

21. Thus, Accused No.1 was not the authority competent to sanction or finally approve the release of Provident Fund amounts. His role was confined to processing the claims and placing them before the

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

competent superior officer. Prosecution has not identified any specific act by which any of the Petitioners obtained release of their Provident Fund dues contrary to the prescribed procedure or by securing an approval which they were otherwise not entitled to receive.

22. I am conscious of the fact that improper performance of public duty may arise even at the stage of processing a claim and need not necessarily be confined to the final act of sanction or approval. However, in the present case, the prosecution has not demonstrated as to how the individual Petitioners intended to induce Accused No.1 to improperly perform his official duties. The mere fact that the claims were processed by Accused No.1 and thereafter approved by the competent Accounts Officer cannot without any incriminating material establish the alleged intention on the part of Petitioners.

23. With regard to Petitioner - Raman Sharma in Writ Petition No.4020 of 2024, it is seen that prosecution alleges that he transferred amounts of Rs.20,000/- on 01.05.2020 and Rs.15,000/- on 19.09.2020 to the joint bank account of Accused No.1 and his wife. The Provident Fund claims of Petitioner amounting to Rs.50,00,000/- each were processed on 05.05.2020 and 21.09.2020 respectively. The Petitioner has explained that he was introduced to Accused No.1 through a Jet Airways Pilots' WhatsApp group wherein the latter was recommended as a private consultant. He has further contended that the amount of

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

Rs.15,000/- was paid towards consultancy charges after receiving assistance in relation to his Provident Fund claim.

24. It is pertinent to note that this Petitioner had served as a commercial airline pilot for several years and was seeking release of his accumulated Provident Fund dues. The prosecution has not alleged that the Petitioner was ineligible to receive the said amounts or that the claims were processed in violation of any prescribed eligibility condition. The fact that Petitioner transferred money shortly before processing of his claim is certainly a circumstance which required investigation. However, such circumstance by itself does not establish that payment was made with the intention contemplated under Section 8 of the PC Act. There is no specific material to demonstrate that Petitioner was aware of the official status of Accused No.1 or that he intended to secure any improper performance of public duty.

25. With regard to Petitioner - Ashish Bhopal Hingarh in Writ Petition (St.) No.10599 of 2024, the prosecution alleges that an amount of Rs.10,000/- was transferred by him on 02.01.2020 to the joint bank account of Accused No.1 and his wife. It is seen that his Provident Fund claim amounting to Rs.14,00,000/- had already been processed on 31.12.2019. Petitioner contended that he had approached Accused No.1 under the *bona fide* belief that he was a private consultant and that the amount was paid towards consultancy

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

charges for assistance in completing the necessary formalities.

26. The chronology of events in this case assumes significance. The Provident Fund claim had already been processed on 31.12.2019 whereas the alleged payment was made on 02.01.2020. Though Section 8 also covers a payment made as a reward for improper performance of public duty, the prosecution was required to demonstrate that Petitioner intended the payment to be such a reward. There is no material to indicate that Petitioner knew that Accused No.1 was a public servant or that the amount was paid for any improper act performed by him in discharge of his official duties. The mere proximity between the processing of the claim and the subsequent transfer cannot in the facts of the present case be treated as sufficient to establish the requisite criminal intention.

27. With regard to Petitioner - Rishiraj Singh Chawla in Writ Petition (St.) No.10600 of 2024, the prosecution alleges that an amount of Rs.15,000/- was transferred on 09.05.2020 to the joint bank account of Accused No.1 and his wife and that his Provident Fund claim amounting to Rs.90,66,552/- was processed on 13.05.2020. The Petitioner has contended that he was introduced to Accused No.1 as a private consultant and that the amount was paid towards assistance in processing his legitimate Provident Fund claim.

28. I have considered the circumstance that the transfer of

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

Rs.15,000/- preceded the processing of the claim by a period of four days. However, the proximity of the two events though relevant cannot be the sole basis for inferring that Petitioner intended to induce a public servant to improperly perform his official duties. There is no material to demonstrate that Petitioner had any knowledge of the official designation of Accused No.1 or he had sought any preferential or unlawful consideration in the processing of his claim. The prosecution has also not identified any communication or other material from which such intention could reasonably be inferred.

29. With regard to Petitioner - Paul Arnold Louis in Writ Petition No.4332 of 2026, it is seen that the prosecution case is confined to an alleged transfer of Rs.5,000/- on 07.10.2020 to the joint bank account of Accused No.1 and his wife. It is an admitted position that the Provident Fund claim of Petitioner amounting to Rs.1,50,000/- had already been processed on 03.10.2020. Petitioner contended that he had approached Accused No.1 under the *bona fide* belief that he was an EPFO consultant or agent and that the amount was paid towards consultancy charges.

30. In the facts of this case, the claim had already been processed four days prior to the alleged transfer. The prosecution has not identified any further official act performed by Accused No.1 in relation to Petitioner's claim for which the alleged amount was paid.

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

More importantly, there is no material to establish that Petitioner intended to reward Accused No.1 for any improper performance of public duty. In the absence of such material, the mere transfer of Rs.5,000/- to an account associated with Accused No.1 cannot constitute an offence under Section 8 of the PC Act.

31. It is thus seen that the amounts alleged to have been transferred by the four (4) Petitioners differ and the dates of the respective transactions also differ. The circumstances surrounding each transaction are required to be considered independently. The prosecution has proceeded on the premise that since all Petitioners were employees of Jet Airways and had transferred amounts to the same bank account, they were part of a common arrangement to pay illegal gratification to Accused No.1. In my view, such an inference cannot be drawn merely on the basis of the identity of the recipient of the payments.

32. I now proceed to examine the allegation of criminal conspiracy under Section 120-B of the IPC. Section 120-A of the IPC defines criminal conspiracy and Section 120-B prescribes the punishment for the same.

33. Both the provisions would indicate that the essential ingredient of criminal conspiracy is an agreement between two or more persons to do an illegal act or a legal act by illegal means. The

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

agreement or meeting of minds is the foundation of the offence. It is true that a conspiracy is generally hatched in secrecy and direct evidence of the agreement may not always be available. The existence of such an agreement can be inferred from the conduct of the accused persons and the surrounding circumstances. However, the circumstances must be such as to reasonably indicate a meeting of minds and a common arrangement to commit an illegal act.

34. In the present case, the prosecution has not identified any meeting, communication or prior understanding between the four (4) Petitioners or between any of the Petitioners and the remaining employees of Jet Airways to commit an illegal act. There is no material to indicate that Petitioners had acted in concert or that they had coordinated their respective transactions pursuant to any common arrangement. Each of the Petitioners had an independent Provident Fund account and had an independent claim arising out of his previous employment with Jet Airways. Their interaction with Accused No.1 was also in relation to their respective claims.

35. It is seen that prosecution has relied upon the fact that 13 employees of Jet Airways had transferred amounts to the bank account of Accused No.1 and his wife. However, the mere fact that several persons independently approached the same consultant for assistance in obtaining their respective Provident Fund dues cannot by itself

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

establish a criminal conspiracy amongst them. There must be some material to demonstrate that they shared a common intention or had entered into an agreement to secure improper performance of public duty by Accused No.1.

36. In the absence of any such material, the mere existence of separate financial transactions with a common recipient cannot be elevated to the level of a criminal conspiracy. Consequently, the essential ingredient of an agreement to commit an illegal act is conspicuously absent *qua* the Petitioners.

37. I have also considered the reliance placed by the CBI upon the statement of PW-31, Mr.Hemant Janardhan Lokhande. The said witness has stated that employees of Jet Airways used to visit the EPFO office to meet Accused No.1 and he was aware of Accused No.1 accepting illegal gratification from Provident Fund claimants. The statement may be relevant for examining the conduct of Accused No.1. However, the said statement is wide in nature as it does not specifically establish that these four (4) Petitioners had visited the EPFO office and were aware of the official status of Accused No.1 or had entered into any arrangement to pay him illegal gratification. The prosecution cannot seek to attribute knowledge or intention of Petitioners merely on the basis of a general statement concerning the conduct of Accused No.1 and other claimants. There is nothing on record to indicate that

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

the respective claims of Petitioners were rejected or that any specific objections were raised by the EPFO which were subsequently overcome by Accused No.1 in consideration of the alleged payments. In the absence of such material, the statement of PW-31, without any specific corroborative material *qua* the Petitioners, cannot establish that the amounts transferred by them were intended as illegal gratification for securing improper performance of public duty.

38. It is also necessary to consider the fact that the amounts were transferred through regular banking channels. I am conscious that the mere use of a banking channel does not render an otherwise unlawful transaction lawful. However, in the present case, the traceable nature of the transactions, the individual circumstances in which Petitioners approached Accused No.1 and the fact that the Petitioners were seeking release of their own legitimate Provident Fund dues are relevant circumstances while examining their explanation regarding the payments. These circumstances assume greater significance when considered alongside the absence of any material indicating that the Petitioners knew Accused No.1 to be a public servant.

39. The Affidavits-in-reply filed by the CBI place considerable reliance upon the alleged admissions of Petitioners regarding communication with Accused No.1 and transfer of the respective

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

amounts. However, an admission of having transferred money does not automatically amount to an admission of having paid illegal gratification. The purpose for which such payment was made and the intention accompanying the payment are distinct matters. The prosecution is required to establish the latter through legally admissible material. In the present case, the material relied upon by the CBI does not *prima facie* establish that Petitioners had the requisite intention contemplated under Section 8 of the PC Act.

40. I am mindful of the settled principle that while exercising jurisdiction under Article 226 of the Constitution of India for quashing criminal proceedings, this Court is not expected to conduct a detailed examination of the evidence or undertake a mini-trial. Ordinarily, disputed questions of fact and matters relating to appreciation of evidence are required to be left to the Trial Court. However, where the allegations in the FIR and the material collected during investigation, even if accepted at their face value, do not disclose the essential ingredients of the alleged offences, continuation of the criminal proceedings would amount to an abuse of the process of law.

41. In the present case, even if the bank transactions and the processing of the respective Provident Fund claims are accepted in their entirety, the material does not disclose the requisite intention on the part of Petitioners to induce a public servant to improperly perform

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

his official duties or to reward him for such improper performance. Similarly, there is no material indicating any agreement or meeting of minds amongst Petitioners to commit an illegal act. The prosecution has essentially relied upon the existence of financial transactions and the common identity of the recipient. Such circumstances, without the necessary connecting material, cannot sustain the prosecution case for the offences alleged.

42. At this stage, I also find it necessary to distinguish the allegations against Accused No.1 from those against the present Petitioners. The material collected during investigation may indicate that Accused No.1, while serving as a public servant, had received amounts from various Provident Fund claimants. His alleged conduct in accepting money while discharging his official duties is a matter which has to be considered independently. However, the culpability of the present Petitioners cannot automatically follow from the alleged misconduct of Accused No.1. The prosecution must independently establish the ingredients of the offences alleged against each Petitioner. The fact that Accused No.1 may have misused his official position cannot by itself establish that every person who transferred money to his account shared his criminal intention or was a party to a conspiracy.

43. I have also considered the objection raised on behalf of the

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

Petitioners concerning prior approval under Section 17A of the PC Act. Section 17A provides a statutory safeguard in respect of inquiry or investigation into offences alleged to have been committed by a public servant in relation to any recommendation made or decision taken by such public servant in discharge of official functions or duties. In the present case, the prosecution relies upon the permission obtained from the competent authority of EPFO prior to registration of the crime. Petitioners have questioned the competence of the authority granting such permission.

44. Insofar as the sanction under Section 19 of the PC Act is concerned, the same relates to the prosecution of a public servant for the offences specified therein. The question of sanction for prosecution of Accused No.1 is distinct from the question whether the present Petitioners have committed the offences alleged against them. The existence of sanction in respect of the public servant cannot by itself cure the absence of the essential ingredients of the offences alleged against Petitioners.

45. It is also necessary to bear in mind that Petitioners have approached this Court at the stage when the proceedings are yet to proceed to trial. The charge-sheet has been filed and the Special Court has issued process. However, the filing of a charge-sheet and the taking of cognizance cannot be treated as conclusive proof that the

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

ingredients of the offences are made out against every accused. The Court is required to examine whether the material collected during investigation, taken at its face value, discloses the commission of the offences alleged. In the present case, the material does not establish the requisite intention under Section 8 of the PC Act or the agreement necessary to constitute criminal conspiracy under Section 120-B of the IPC.

46. The continuation of the prosecution against Petitioners, in the absence of material disclosing the essential ingredients of the offences alleged, would subject them to a criminal trial merely on the basis of their individual financial transactions with Accused No.1. Such continuation would not serve the ends of justice. It is not the case that Petitioners are seeking to avoid a trial on the basis of disputed evidence alone. Rather, even accepting the prosecution material as it stands, the necessary statutory ingredients are not disclosed *qua* the Petitioners.

47. In view of the aforesaid discussion, I am of the considered opinion that the prosecution has failed to make out a *prima facie* case against the four (4) Petitioners for the offences punishable under Section 8 of the PC Act and Section 120-B of the IPC. The allegations and the material collected during investigation do not disclose the requisite criminal intention or any agreement between the Petitioners

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

to commit an illegal act. Consequently, the continuation of the proceedings against the Petitioners would amount to an abuse of the process of law. The present Writ Petitions therefore deserve to be allowed.

48. It is settled law by the Supreme Court in the case of ***Lovely Salhotra and Anr. Vs. State of NCT Delhi and Anr.***[2] that there is no bar under either Section 482 of Code of Criminal Procedure, 1973 or Section 528 of BNSS, 2023 that prevents quashing of FIR against certain accused persons only neither is there any requirement by law to quash FIR / proceedings as a whole against all accused persons as provided by the. Case of the Petitioners before me is clearly covered by the aforementioned decision of Supreme Court hence there can be no impediment in allowing the present Application for quashing the Complaint *qua* the Petitioners before me.

49. In view of the above observations and findings, FIR No. RC/026/2023/A/0029 dated 11.07.2023 registered with the Central Bureau of Investigation, Anti-Corruption Branch, Mumbai, charge-sheet dated 30.12.2023 and the Order dated 06.04.2024 passed by the Special Judge, CBI, Mumbai, issuing process against Petitioners in Special Case No.612 of 2024 are hereby quashed and set aside insofar as the present four (4) Petitioners are concerned. All consequential proceedings arising out of the aforesaid FIR and charge-sheet stand

2 Criminal Appeal No.670 of 2017 decided on 10th April 2017

Uploaded on - - Downloaded on - 05/11/2026 22:04:05

quashed and set aside *qua* the Petitioners.

50. It is clarified that the observations made in this Judgment / order are confined to the case of the present four (4) Petitioners and shall not affect the proceedings against the remaining accused persons.

51. All four (4) Writ Petitions are allowed and disposed.

[MILIND N. JADHAV, J.]

Ajay

Uploaded on - - Downloaded on - 05/11/2026 22:04:05