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MCRC-58230-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 11th OF AUGUST, 2026MISC. CRIMINAL CASE No. 58230 of 2025*HITESH KUMAR TARWANI**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Ayush Shivhare - Advocate for the applicant.**Shri B.D. Singh - Addl. Advocate General for respondent/State.*

*Reserved on : 29.07.2026**Pronounced on : 11.08.2026*
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ORDER

This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant seeking quashment of FIR bearing Crime No.170/2022 registered at Police Station Madan Mahal, District Jabalpur for offences punishable under Section 4(a) of the Public Gambling Act and Sections 109, 112, 114, 120-B and 420 of the Indian Penal Code, along with Regular Criminal Trial No.5603/2024 and all consequential proceedings arising therefrom.

2. As per the facts pleaded in the petition and the material available on record, on 23.04.2022, acting upon information regarding illegal IPL betting activities, the police party of Police Station MadanMahal conducted a raid at the residence of co-accused Sunil Thakur, where co-accused Sunil Thakur and Deepak Patel were allegedly found engaged in betting operations.



Various articles including mobile phones, registers, calculator, television set, set-top box and cash were seized. During investigation, another raid was conducted on 19.05.2022 at Room Nos.203 and 204, RK Tower, Wright Town, Jabalpur, where cash amounting to Rs.21,55,600/-, several cheque books, company seals, loan books, property documents, mobile phones and other materials were recovered. According to the prosecution, statements of Manoj Kumar Sanpal and Deepak Rajak disclosed that the seized articles and funds were connected with certain persons including the present applicant Hitesh Tarwani. The investigation further revealed that several shell companies were allegedly created and utilized for routing betting proceeds and facilitating financial transactions arising from illegal betting activities. On completion of investigation, charge-sheet was filed and the applicant was arraigned as an accused in Regular Criminal Trial No.5603/2024.

3. Learned counsel for the petitioner submitted that the petitioner has been implicated solely on the basis of the memorandum statements of co-accused Manoj Sanpal and Deepak Rajak. The alleged seizure made under Section 27 of the Indian Evidence Act does not disclose any material connecting the petitioner, as none of the seized articles has any nexus with him. That apart from the aforesaid memorandum statements, the prosecution has not collected any independent, cogent or incriminating material against the petitioner. There is neither any recovery from the petitioner nor any documentary, electronic, financial or other evidence connecting him with the alleged offence. He submits that the statement of a co-accused, by itself, cannot constitute substantive evidence against the petitioner, particularly



when there is no independent corroborative material connecting him with the alleged offence. Therefore, continuation of the criminal proceedings against the petitioner, in the absence of any legally sustainable incriminating material, amounts to abuse of the process of law.

4. He further argued that the FIR and all consequential proceedings against co-accused Sanjay Sanpal have already been quashed by this Hon'ble Court vide order passed in M.Cr.C. No.5562/2025, annexed as Annexure P-2. The allegations and material against the present petitioner are substantially similar to those against the said co-accused. There is no distinguishing or additional incriminating material against the present petitioner warranting a different treatment. The petitioner is, therefore, entitled to the benefit of parity, and continuation of the criminal proceedings against him would amount to abuse of the process of law.

5. It is further submitted that in view of the absence of any independent incriminating material and the order of this High Court quashing the proceedings against the similarly situated co-accused, the FIR, charge-sheet and all consequential proceedings against the petitioner deserve to be quashed in exercise of the powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In support of his contention, he has relied upon the judgement passed by this High Court in the case of **Bherulal Vs. State of M.P.** passed in M.Cr.C No. 7669/2024, dated 22.02.2024.

6. Per contra, learned Dy. Advocate General appearing for the State opposed the petition and submitted that the investigation has revealed the involvement of the applicant in a larger conspiracy relating to illegal betting



operations and routing of betting proceeds through various entities. It is submitted that during investigation material was collected indicating the applicant's connection with the other accused persons and the alleged activities under investigation. Learned counsel contended that the charge-sheet discloses prima facie material against the applicant and the issues raised by him involve disputed questions of fact which can only be adjudicated during trial. It is further argued that the order passed in favour of co-accused Sanjay Sanpal was based on facts and material peculiar to that accused and does not automatically entitle the present applicant to similar relief. He prays for dismissal of this petition.

7. Heard learned counsel for the parties and perused the material available on record.

8. In the present case, the FIR, charge-sheet and documents filed along with the charge-sheet disclose that during investigation substantial material was collected regarding alleged betting operations, seizure of cash, company-related documents, cheque books and other articles. The statements recorded during investigation and the material collected by the investigating agency prima facie indicate the involvement of several persons, including the present applicant, in the alleged activities. Whether the applicant was actually involved, whether the material collected by the prosecution is sufficient for conviction and whether the defence raised by the applicant is acceptable are matters to be adjudicated by the Trial Court on the basis of evidence led by the parties.

9. The contention of the applicant regarding parity with co-accused



Sanjay Sanpal also does not persuade this Court to exercise inherent jurisdiction. A perusal of the order relied upon by the applicant shows that relief was granted on the basis of the facts and material available in respect of that particular accused. The principle of parity cannot be applied mechanically, especially where the role attributed to the accused persons and the evidence collected against them require independent evaluation. The applicant has failed to demonstrate that the material available against him is identical in all respects to that considered by this Court while granting relief to the co-accused.

10. This Court is of the considered opinion that the allegations made in the FIR, coupled with the material collected during investigation and reflected in the charge-sheet, cannot be said to be so absurd or inherently improbable as to warrant interference under Section 528 BNSS. The pleas raised by the applicant constitute matters of defence which may appropriately be raised before the Trial Court during the course of trial.

11. Accordingly, no case for exercise of inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is made out. Consequently, the present petition stands **dismissed**.

(HIMANSHU JOSHI)
JUDGE