IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 11th OF AUGUST, 2026

MISC. CRIMINAL CASE No. 11693 of 2026

SATISH SANPAL

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Naman Nagrath - Senior Advocate with Shri Anushasit Arya - Advocate for the applicant.

Shri B.D. Singh - Addl. Advocate General with Ms. Priyanka Mishra - G.A. for respondent/State.

Reserved on : 29.07.2026

Pronounced on : 11.08.2026

ORDER

This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 Cr.P.C.) has been preferred by the petitioner seeking quashment of FIR 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 (added in the chargesheet) of the Indian Penal Code, as well as RCT No.5603/2024 and all consequential proceedings arising therefrom.

2. As per prosecution case, on 23.04.2022, acting upon information received from a secret informer regarding illegal IPL betting activities, the police conducted a raid and allegedly found co-accused Deepak Patel and Sunil Thakur involved in betting activities. Consequently, the impugned FIR was registered. During investigation, it was revealed that the present

petitioner is involved in the crime being master mind of alleged betting racket. It is also found that the petitioner has opened fake shell companies in his own name and in the name of other people and has done huge transaction and has defrauded the government. After completing the investigation, police filed the charge-sheet before the competent Court of Law.

3. Learned counsel for the petitioner submitted that the entire prosecution case is founded upon suspicion and inadmissible statements recorded under Section 161 Cr.P.C. It is argued that no material has been collected during investigation showing any active participation, conspiracy, financial transaction or communication linking the petitioner with the alleged betting activities. It is submitted that the petitioner is an NRI residing in Dubai and was not present in India at the relevant time. It is further submitted that the chats relied upon by the prosecution do not contain any reference to the petitioner or any mobile number attributable to him and that forensic examination of the mobile phones of the co-accused has also not revealed any incriminating material against him. Learned counsel further submits that the petitioner had ceased to be a director of Laakshya Hoteliers Hub Pvt. Ltd. much prior to the registration of the present FIR and that the prosecution has incorrectly shown him as a director of various companies, whereas the MCA records demonstrate that he was not a director in the companies in question. It is also submitted that the alleged companies are genuine entities filing their statutory returns, including ITRs and GST returns, and the allegation that they are shell companies is unfounded. According to learned counsel, the directors of the said companies, including Manoj Kumar Sanpal, on

whose statement the petitioner has allegedly been implicated, have already been acquitted in the connected proceedings arising out of FIR No.356/2022 involving substantially similar allegations.

4. It is further submitted that the alleged amount of Rs.21,55,000/- was neither recovered from the petitioner nor at his instance. The petitioner has no connection with the bank account allegedly referred to by the prosecution and the only personal bank account maintained by him prior to leaving India contained only the proceeds of LIC amount and has no transaction connected with the alleged offences. Learned counsel also submits that there is also no money trail, electronic communication, chat, email or other material linking the petitioner with the alleged betting activities.

5. It is further argued that the essential ingredients of Section 4-A of the Public Gambling Act are not attracted against the petitioner, as there is no material showing any conscious act on his part of printing, publishing, disseminating or attempting to disseminate any digits, figures, signs, symbols or pictures having nexus with the alleged gambling activity. Learned counsel also relies upon the order dated 06.05.2025 passed by this High Court in M.Cr.C. No.5562/2025 (Sanjay Sanpal Vs. State of Madhya Pradesh), whereby the proceedings arising out of the same FIR were quashed qua the co-accused, and submits that the petitioner is entitled to the benefit of parity. It is contended that the inherent jurisdiction of this Court can be exercised even after filing of the charge-sheet where continuation of the criminal proceedings would amount to abuse of the process of law. On the aforesaid submissions, learned counsel prays that the FIR and all consequential

criminal proceedings qua the petitioner be quashed in the interest of justice. Reliance has also been placed upon the principles laid down in following case laws :

(i). **State of Haryana Vs. Bhajan Lal**, reported in 1992 Supp (1) SCC 335,

(ii). **Vineet Kumar Vs. State of U.P.,** reported in (2017) 13 SCC 369,

(iii). **Zandu Pharmaceutical Works Ltd. Vs. Mohd. SharafulHaque** , reported in (2005) 1 SCC 122.

(iv) **MadhavraoJiwaji Rao ScindiaVs. Sambhajirao Chandrojirao Angre**, reported in AIR 1988 SC 709.

(v) **Vinod Bihari Lal Vs. State of U.P. & Anr.** passed in SLP (Crl.) Nos. 5376-5377/2023

(vi) **Anwar Hussain Vs. State of M.P.** passed in SLP (Crl.) No. 14087/2025

(vii) **Nein Singh Dhruve and others Vs State of MP** passed by High Court of Madhya Pradesh in Cr.A No. 306/2024.

(viii) **Pradeep Shrma Vs. State of M.P**. passed by High Court of Madhya Pradesh in Cr.R No. 1789/2020.

(ix) **Mohar Singh Vs. State of M.P.** passed by High Court of Madhya Pradesh in M.Cr.C No. 41528/2021.

(x) **Amresh Singh Vs. State of MP** passed by High Court of Madhya Pradesh in M.Cr.C No. 15550/2024.

(xi) **Sonu Raghuvanshi Vs. State of M.P.** passed by High Court of Madhya Pradesh in M.Cr.C No. 3436/2025.

(xii) **Subhan Vs. State of M.P. passed by High Court of Madhya Pradesh** in Cr.R No. 1240/2009.

6. On the other side, learned counsel for the State opposed the petition and submitted that the FIR was registered on the basis of information regarding illegal IPL betting activities and, after due investigation, sufficient material was collected indicating the involvement of the petitioner. It was argued that the charge-sheet has already been filed and a prima facie case is made out against the petitioner. Learned counsel further submitted that the plea of the petitioner that he was residing in Dubai, was not named in the FIR, and had no connection with the alleged companies or co-accused persons, involves disputed questions of fact which cannot be adjudicated in proceedings under Section 528 BNSS. It was contended that the truthfulness and evidentiary value of the material collected during investigation are matters to be examined during trial. It was also submitted that the order passed in favour of co-accused Sanjay Sanpal was rendered on the basis of facts peculiar to that case and does not automatically entitle the present petitioner to similar relief. He prays for dismissal of petition.

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

8. The principal contention of learned counsel for the petitioner is that the petitioner has been implicated merely on the basis of statements recorded under Section 161 of the Cr.P.C. and that there is no independent material connecting him with the alleged betting activities. It has also been contended that the petitioner was residing in Dubai, was not present in India at the

relevant time, had no connection with the companies referred to in the charge-sheet and that no incriminating material was recovered either from him or at his instance. However, at this stage, this Court is required to examine the material collected during investigation only for the limited purpose of finding out whether the allegations and the material collected disclose the commission of cognizable offences and whether the continuation of the criminal proceedings would amount to an abuse of the process of law.

9. It is well settled that while exercising inherent jurisdiction under Section 528 of the BNSS, this Court is not required to meticulously appreciate or scrutinize the evidence collected by the investigating agency as would be done by the trial Court after the parties have led their evidence. The inherent jurisdiction is to be exercised sparingly and with circumspection. At the stage of consideration of a prayer for quashing, the Court is not expected to conduct a mini-trial or determine the ultimate truthfulness of the allegations. If the material collected during investigation, taken at its face value, discloses the ingredients of the alleged offences and raises a prima facie case requiring adjudication, the proceedings ordinarily ought not to be interdicted.

10. In the present case, the prosecution has collected material during investigation which, according to the charge-sheet, indicates the involvement of the petitioner in the alleged betting activities. The petitioner seeks this Court to examine the correctness, reliability and evidentiary value of the statements of the witnesses, the material relating to the companies, the alleged chats and electronic material, the bank transactions and the circumstances relied upon by the prosecution. These are essentially matters

of evidence. Merely because the petitioner disputes the said material or offers an explanation in respect thereof cannot be a ground for quashing the criminal proceedings at this stage. The contention that the petitioner was residing in Dubai since 2020 and had not visited India after March, 2020 also cannot, by itself, furnish a ground for quashing the proceedings. The alleged offences are not such that the physical presence of the petitioner at the place of the raid is, by itself, a sine qua non for his liability. If the prosecution case alleges his involvement in the betting racket through other persons, companies, financial transactions, communications or other means, the question whether such material is sufficient to establish his participation, notwithstanding his alleged residence abroad, is a matter which has to be tested on the basis of evidence during trial. The passport documents relied upon by the petitioner may constitute a defence or circumstance in his favour, but their effect cannot be conclusively determined in the present proceedings.

11. Likewise, the fact that the petitioner was not named in the FIR or in the initial documents and that his name subsequently surfaced during investigation does not, by itself, render the prosecution case liable to be quashed. An FIR is not expected to contain the entire prosecution case or the names of every person who may ultimately be found involved in the commission of the offence. The investigating agency is entitled to investigate the source of the offence and the role of other persons who subsequently come to light during investigation. The mere subsequent implication of the petitioner, therefore, cannot be treated as a ground for exercising the inherent

jurisdiction of this Court. The argument that the prosecution has relied upon statements recorded under Section 161 of the Cr.P.C. also does not warrant interference at this stage. The evidentiary value and the permissible use of such statements are matters governed by the law of evidence and are to be considered by the trial Court at the appropriate stage. This Court, while exercising jurisdiction under Section 528 of the BNSS, cannot enter into an elaborate examination of the admissibility, credibility or probative value of each statement, particularly when the charge-sheet is accompanied by other material collected during investigation.

12. So far as the contention regarding the alleged companies and the petitioner's status as a director is concerned, the petitioner has relied upon the MCA records to contend that he had ceased to be a director in one of the companies and was never a director in some of the other companies. However, the prosecution case cannot be examined in isolation merely on the basis of the designation reflected in the MCA records. The role allegedly attributed to the petitioner, the relationship between the persons involved, the manner in which the alleged betting activities were conducted and the other circumstances collected during investigation are matters which require appreciation of evidence. The fact that the companies were filing statutory returns or that they were registered entities also does not, by itself, conclusively rule out their alleged use in the commission of the offences in question.

13. The contention regarding non-recovery of the alleged amount of Rs.21,55,000/- from the petitioner or at his instance also does not demolish

the prosecution case at this stage. Recovery of money from an accused is not an indispensable requirement in every case of conspiracy or participation in an organized illegal activity. Whether the petitioner had any connection with the concerned bank account, whether any financial trail connects him with the alleged transactions and whether the other circumstances relied upon by the prosecution establish his participation are questions which can properly be determined only after appreciation of evidence.

14. As regards the offence under Section 4-A of the Public Gambling Act, the petitioner seeks an interpretation of the factual material and contends that none of the acts contemplated by the said provision are attributable to him. However, the prosecution has alleged his involvement in the overall betting activity and has relied upon material collected during investigation in support thereof. At the stage of quashing, the Court is not required to finally determine whether each ingredient of the offence has been established beyond reasonable doubt. If the material collected during investigation, taken on its face value, warrants examination of the petitioner's alleged role in the betting operation, the same cannot be foreclosed at the threshold.

15. The reliance placed upon the judgment/order dated 06.05.2025 passed in M.Cr.C. No.5562/2025 (**Sanjay Sanpal Vs. State of Madhya Pradesh**) and the plea of parity also does not persuade this Court. The principle of parity is not an absolute rule that every accused named in the same FIR must necessarily receive identical treatment irrespective of the material collected against each accused. The Court has to examine the specific role attributed to the accused and the material available against him. The fact that proceedings

against one co-accused have been quashed on the basis of the material and circumstances prevailing in his case cannot, by itself, be treated as determinative of the case of the present petitioner. Unless the factual and evidentiary foundation of both cases is demonstrably identical, an order passed in favour of one accused cannot mechanically be extended to another accused. The judgments relied upon by learned counsel for the petitioner, including **Bhajan Lal** (supra), **Vineet Kumar** (supra), **Zandu Pharmaceutical Works Ltd.** (supra) and **Madhavrao Jiwaji Rao Scindia** (supra), lay down the well-recognized principles governing exercise of inherent jurisdiction. There can be no quarrel with the proposition that this Court possesses ample power to prevent abuse of the process of law and to secure the ends of justice, even after filing of the charge-sheet. However, such power is to be exercised in cases falling within the well-settled parameters and not merely because the accused has a plausible defence or disputes the material collected by the investigating agency.

16. In the present matter, it cannot be said, on the basis of the material placed before this Court, that the allegations against the petitioner are inherently absurd, inherently improbable or that even if the prosecution material is accepted in its entirety, no offence would be made out. On the contrary, the charge-sheet contains material which requires examination by the competent trial Court. The defence sought to be raised by the petitioner, including his residence in Dubai, his alleged absence from India, his status in the concerned companies, the nature of the bank transactions, the absence of recovery from him, the interpretation of the electronic material and the

reliability of the statements of the witnesses, cannot be adjudicated conclusively in exercise of jurisdiction under Section 528 of the BNSS.

17. It is also significant that the charge-sheet has already been filed. The investigation having culminated in collection of material which, according to the prosecution, discloses the petitioner's involvement, the question whether such material ultimately establishes the guilt of the petitioner is a matter for trial. This Court cannot substitute an appreciation of the defence material for the evidentiary assessment which is required to be undertaken by the trial Court. The judgments of acquittal relied upon by the petitioner in respect of other accused persons also do not, by themselves, furnish a ground for quashing the present proceedings. An order of acquittal is required to be examined in the factual and evidentiary context in which it was rendered. The guilt or innocence of the present petitioner has to be determined on the basis of the material available against him and the evidence that may be led during his trial.

18. Thus, upon consideration of the entire material available on record, this Court is of the considered view that the present case does not fall within any of the categories warranting exercise of inherent jurisdiction for quashing of the FIR or the consequential criminal proceedings. The contentions raised by the petitioner essentially relate to appreciation of evidence and the merits of the prosecution case, which cannot be adjudicated in the present proceedings. Consequently, no ground is made out for quashing FIR No.170/2022 registered at Police Station Madan Mahal, District Jabalpur, for the offences punishable under Section 4-A of the Public Gambling Act and Sections 109,

112, 114, 120-B and 420 of the IPC, or the consequential proceedings in RCT No.5603/2024.

19. Accordingly, the petition filed under Section 528 of the BNSS is **dismissed**. It is, however, made clear that the observations contained herein are confined to the adjudication of the present petition and shall not prejudice the petitioner or the prosecution at the stage of trial. The learned trial Court shall decide the case strictly on the basis of the evidence led before it, uninfluenced by any observation made in this order

(HIMANSHU JOSHI)
JUDGE

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