

(2026) 08 BOM CK 0290

In the Bombay High Court, Goa Bench

Case No : CRIMINAL WRIT PETITION NO. 177 OF 2026

Talaniti Nulaxi

APPELLANT

Vs

State Of Goa & Another

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Emigration Act, 1983 — Section 10, 24
Information Technology Act, 2000 — Section 66-D, 66D
Bhartiya Nyaya Sanhita, 2023 — Section 143(3), 318(4), 61(2), 60, 3(5)
Constitution of India — Article 21, 226
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528, 183
Cr.P.C — Section 482, 164

Citation : (2026) 08 BOM CK 0290

Hon'ble Judges : Amit S. Jamsandekar, J

Bench : Single Bench

Advocate : Mr. Nigel da Costa Frias with Mr. Karthik Panchal, Additional Public Prosecutor, Mr. Pravin N. Faldessai

Final Decision : Disposed Of

Judgement

1. By the present Petition, the Petitioner seeks quashing of FIR No. 8/2025, which was registered on 13.03.2025 by the Cyber Crime Police Station, Ribandar, Goa. The Petitioner also seeks quashing of the Chargesheet No. 4/2025 (Case No. 65/2025) filed before the learned Sessions Court at Merces pursuant to the FIR.

2. Heard Mr. Nigel Costa Frias on behalf of the Petitioner and Mr. Faldessai on behalf of the State Respondents.

3. **Rule.** The Rule is made returnable forthwith by consent of parties and heard finally. Mr. Faldessai waives service on behalf of the Respondents.

4. On 13.03.2025, the Cyber Crime Police Station, Ribandar registered FIR No. 8/2025 against the Petitioner and others. The broad allegations against the Accused in the chargesheet filed by the Prosecution are as follows:

"In the limits of your Hon'ble Court and within the jurisdiction of Cyber Crime Police Station that from 28/12/2024 to 21/02/2025 at Goa to Myanmar the accused person shown at Sr.No.11 at A-1 to A4 with their common intention, impersonated by using computer sources and hatched criminal conspiracy by inducing victim namely Mr. Cheitan Murgaonkar, age-24 r/o Naushi, Bambolim, Tiswadi - Goa and other by offering job opportunity at Thailand with monthly remunerations of Rs.60000/- without having valid certificate of recruitment agent from the concern authority and when the victims left from Goa on 14th January 2025 and landed at Thailand on 15th January 2025 other unknown accused person from Bangkok took him to one company in Maesot, Thailand for cyber call centre job to contact potential cyber victims of US citizens and inducing them to invest in fake trading companies or honey trapping them, there by committing financial frauds. Further accused shown in column No.11 at Sr.A1 and A2 with common intention set customized simbox mobile frequency router system at Bangalore to route Cyber fraud calls which facilitated commission of Cyber Crime against the Indian citizens and voluntarily concealed this information, which is attached and shown at Column No. 10 at Sr. No. 07. Hence accused committed offence punishable u/s 143(3), 318(4), 61(2), 60 r/w 3(5) of BNS. Section 10 & 24 of Emigration Act and Section 66-D of IT Act."

5. It is the case of the Petitioner that the FIR and chargesheet are clearly an abuse of the process of law, as the Prosecution has failed to produce even a single statement, any documentary or electronic evidence along with the chargesheet establishing any role of the Petitioner in the alleged crime. It is further submitted that not a single ingredient of any of the offences alleged under Section 143(3), 318(4), 61(2), 60 read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 (**the BNS**) or Section 10 and 24 of the Emigration Act, 1983 and Section 66D of the Information Technology Act, 2000 (**the I.T. Act**) are even remotely made out by the Prosecution in the chargesheet. It is further submitted that the Petitioner is a foreign national and had visited India and during his visit he fell ill and was admitted to the hospital. During his admission to the hospital, one of the Accused visited the hospital and the Prosecution has produced a photograph showing the Petitioner along with one of the Accused. Apart from this photograph, there is no material evidence, whether documentary, electronic, or otherwise, produced by the Prosecution along with the chargesheet. In view thereof, the Petitioner has sought protection by invoking Article 21 of the Constitution of India.

6. Mr. Faldessai submitted that the Police Inspector of the Cyber Crime Police Station has filed his affidavit in reply and has opposed the Petition. On the basis of the said affidavit, Mr. Faldessai, narrated the factual background as set out therein and in particular, referred to paragraphs 3, 4, 5, 6 and 7 of the affidavit in reply dated 11.06.2026 filed by the Police Inspector, Cyber Crime Police Station, which read as follows:

"3. I say that during the course of investigation from 13/03/2025 to 19/03/2025 collected the required details of email ID tysonjain9008@gmail.com and after analyzing, it was found that phone number 8072540508 was linked to this email ID which is involved in this crime and based on the CAF (Customer Acquisition Form) details, it was found that the phone number Involved in above crime was allotted / operational with the Accused-1, Aditya Ravichandran, r/o Bangalore on his mobile tower location (Location Base Services).

4. I say that during the course of investigation collected required details of mobile No. 8072540508 and email ID tysonjain9008@gmail.com involved in above crime and it is found to be of the Accused-1 Mr. Adithya r/o Tamil Nadu. Subsequently he was placed under arrest. That during interrogation accused 1 Mr. Adhitya, disclosed that he was contacted by on telegram account titled named "WIZI" & "Berlin" through telegram platform and number +66827478648 instructing to conduct interviews for candidates to be sent aboard for the work. And all instructions were given by one Talaniti Nulaxi Kazakhstan National, Chinese origin by impersonating as Mr. Berlin & WIZI who came to India at his residence and resided almost 2-3 days. His photograph was also found in the mobile phone of accused Aditya. Also recovered hospital bills and papers of said accused Talaniti from Accused A-1 Aditya wherein in accused A-2 Talaniyi had felt sick and was admitted in one local hospital in Bangalore. Accused -1 Aditya disclosed that after some time, Accused A-2 Talaniti shifted to Grand Continental Hotel and instructed to order food for him through Zomato, which were later delivered at his Hotel. A-1 Aditya also stated that the said accused person met him in Bangalore in connection with above fake recruitments. Further on examination of the documents of the above Hotel it was revealed that there was no person in the name of Berlin and his actual name is Talaniti Nulaxi. During investigation local intelligent were engaged to gather pertinent information and details were obtained from the hotel where an individual identified as Mr. Berlin were residing and upon examining the documents provided by him at Hotel, it was revealed that his original name and passport details as Mr. Talaniti Nulaxi, r/o Kazakhstan, birth place-China. He is holding Kazakhstan Nationality, with passport No. N17343583 issued on 13/11/2024.

5. I say that subsequently look out circular for detention of the individual was issued to the Deputy Bureau of Immigration (BIO), East Block VIII, R K. Puram, New Delhi, India on Email ddboi-mha@nic.in. Intelligent were later received indicating that the above suspect is apprehended at New Delhi Airport while attempting to exit the country with travel plans to Sharjha and subsequently to Istanbul (Tarki). Accordingly team from Cyber Crime headed by PSI Sarvesh Sawant proceeded New Delhi via flight and notice u/s 35 of BNS was served to him which he agreed to cooperate but refused to sign saying that he will not sign on any document. Accordingly he was facilitated to come to Goa along with the police team. During interrogation with the M/ accused person, he started giving vague answers and was not providing names of his associates on whose instructions he was recruiting innocent job seekers for Cyber slavery abroad.

6. Further on scrutinizing in the mobile of the suspect and verifying the wi-fi connection details it was found that wi-fi of accused 1 Aditya named '3rd floor 5G' was found connected to the mobile of the Marginal accused person having the same wi-fi password. This proved that marginal accused person had visited PG Rooms of A-1 Aditya at 3rd Floor, Sharda Apt. Bangalore and had accessed his wi-fi which he was denying. On further verifying it was found that the marginally noted accused person is having his Gmail account named ospantyr213@gmail.com which was also found in the mobile of accused A-1 Aditya with whom accused-1 Aditya had communicated with email sending details of his parcel received at the Bangalore. This proved that marginally noted accused Nulaxi was in contact with accused A-1 Aditya in this crime.

7. I say that further A-1 Aditya, disclosed that Mr. Talaniti Nulaxi had visited the Aditya Ravichandran PG at Bangalore, and he specifically came to India for technical installation of sim boxes which were received by Aditya Ravichandran via courier at his PG residence and the same were installed by the accused Talaniti Nalaxi flat at one rented with the along Petitioner/Accused. Documents related to said courier to deliver Sim boxes were also attached in this crime from accused Aditya."

7. In view thereof, Mr. Faldessai submitted that the offence committed by the Petitioner and the other Accused are of a serious nature and therefore, the FIR and the chargesheet ought not to be quashed. Therefore, Mr. Faldessai submitted the Petitioner should face the trial.

8. With the assistance of the learned Counsel for the parties, I have reviewed the entire record and considered the rival submissions.

9. The law regarding the exercise of extraordinary jurisdiction under Article 226 of the Constitution of India and the inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**the BNSS**) (formerly Section 482 of the Cr.P.C) for quashing criminal proceedings is well-settled by the Hon'ble Supreme Court in the landmark judgment of **State of Haryana Vs. Bhajan Lal**, 1992 Supp (1) SCC 335. In paragraph 102 of the said judgment, the Hon'ble Supreme Court enunciated specific illustrative categories of cases wherein the Court can exercise its inherent powers to prevent the abuse of the process of any Court and to secure the ends of justice; and the present case squarely falls within Categories (1), (3), and (5) as formulated by the Hon'ble Supreme Court. Categories (1), (3) and (5) as held in the judgment read as follows:

"(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."

"(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."

"(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."

10. In the present case Sections 143(3), 318(4), 61(2), 60 read with 3(5) of the BNS, Section 10 & 24 of the Emigration Act and Section 66-D of the I.T. Act are invoked against the Petitioner.

11. To attract the charge of human trafficking under Section 143(3) of the BNS, there must be evidence of 'recruitment, transportation, harbouring, transfer, or receipt of a person' by means of 'threat, force, deception, or fraud' for exploitation. The statement of the primary victim/complainant, Mr. Cheitan Murgaonkar (Witness No. 1), explicitly details his online recruitment and interactions solely with Accused No. 1 and Accused No. 3. The Victim does not attribute a single word, action, or digital communication to the Petitioner (Accused No. 2). There is no material even in the chargesheet to establish a charge under Section 143 (3) of the BNS.

12. Similarly, the fundamental requirements of Section 318(4) of the BNS (cheating) require an active inducement and dishonest intention at inception. In the absolute absence of any representation or interaction between the Petitioner and the Victim, the charge of cheating cannot stand against the Petitioner even if

the Prosecution's narrative is taken as gospel truth. The documentary and oral evidence collected by 2ndRespondent during the course of the investigation, even if left completely uncontroverted, fails to link the Petitioner to any illegal acts.

13. The technical backbone of the Prosecution's case relies on the setup of "Simbox" hardware systems. However, the independent Technical Panch Witnesses (Witness Nos. 5 and 6) explicitly state that the entire hardware assembly was recovered from the residential premises of Accused No. 1. No devices, hardware, or incriminating digital trails were ever recovered from the person or possession of the Petitioner.

14. The basis of the Petitioner's inclusion in the chargesheet is entirely absurd and legally untenable. The Prosecution's singular link connecting the Petitioner to the alleged conspiracy under Section 61(2) of the BNS is the recovery of a photograph from the mobile phone of Accused No. 1.

15. While the Petitioner's mobile phone was seized by the investigating agency, a thorough forensic analysis and search of the device yielded absolutely no incriminating material, digital trails, or contact logs linking him to any illegal activities or fraudulent transactions. The Prosecution's case relies entirely on an alleged statement made by Accused No. 1 during the execution of the Attachment panchanama dated 27.03.2025, wherein Accused No. 1 allegedly claimed that a person named Mr. Berlin, whom the Prosecution arbitrarily identifies as the Petitioner, was his "boss". Furthermore, the Prosecution attempts to build a case of complicity by pointing to WhatsApp chat logs on Accused No. 1's device with a contact saved under the name "Wizi Boss" alleged to be the Petitioner and an uncorroborated claim that the Petitioner had collected a parcel from Accused No. 1's room.

16. These self-serving, uncorroborated statements allegedly made by Accused No. 1 during the course of the panchanama are pure hearsay and completely inadmissible in a Court of law. It is a fundamental principle of criminal jurisprudence that a confession or statement made by a co-accused to a police officer, or recorded during a panchanama, holds no evidentiary value against another co-accused and cannot be used as substantive evidence to establish guilt. Apart from these legally inadmissible assertions, there is not a single statement recorded under Section 183 of the BNSS (formerly Section 164 of the Cr.P.C) from any independent witness, victim, or complainant that implicates the Petitioner in any manner whatsoever.

17. There are no call records between the Petitioner and the other accused. No incriminating material has been found in the mobile phone of the Petitioner. There is no other electronic evidence on the record to establish any of the offences alleged against the Petitioner. There are no statements of the witnesses which can establish involvement of the Petitioner in any of the offences alleged against the Petitioner.

18. The undisputed medical records at page 78 of the chargesheet demonstrate that the Petitioner, a tourist and freelance translator from Kazakhstan, fell severely ill due to a sudden climatic drop from -25°C to +25°C and was admitted to Acura Healthcare, Bengaluru. The photograph in question was a casual image taken by Accused No. 1 while the Petitioner was resting on a hospital bed.

19. In the present case, the surrounding circumstances, including the total absence of forensic or digital links on the Petitioner's phone, clearly reveal that the Prosecution's case against the Petitioner is entirely unsustainable.

20. Therefore, I am satisfied that even if the entire case of the Prosecution as detailed in FIR No. 8/2025 and the subsequent Chargesheet No. 4/2025 is accepted at face value, it fails to disclose any *prima facie* case or overt act against the Petitioner. No ingredients of any of the offences alleged against the Petitioner are supported by any material in the chargesheet.

21. Consequently, continuing the criminal trial against the Petitioner on the sole basis of inadmissible hearsay and a casual photograph on a co-accused's phone would constitute a gross abuse of the process of law. Forcing a 23 year old foreign national to undergo the mental, physical, and financial ordeal of a trial in a foreign country, while severely restricting his personal liberty under Article 21 by retaining his passport, amounts to grave prejudice when the chargesheet fails to disclose even a single shred of legally admissible, foundational evidence against him.

22. As held by the Hon'ble Supreme Court in **Achin Gupta Vs. State of Haryana**, (2025) 3 SCC 756, once the investigation is complete and the final report is submitted, the initial FIR becomes insignificant. The Hon'ble Supreme Court has categorically ruled that a High Court owes an absolute duty under Section 528 of the BNSS (formerly Section 482 of the Cr.P.C) to thoroughly look into all the materials collected by the investigating agency in the form of a chargesheet. It would be a complete travesty of justice to hold that the Court can interfere at the stage of the FIR, but its hands are tied once the matter has materialised into a chargesheet, especially when the text of the statute contains no such restriction to prevent the abuse of the process of the Court or a miscarriage of justice.

23. If an individual is forced to stand trial on general and vague allegations without bringing on record any specific instances of criminal conduct, it is nothing short of an abuse of the judicial process. The Supreme Court has laid down that the High Court cannot shut its eyes or raise its hands in helplessness simply because a chargesheet has been formally filed disclosing a cognizable offence on paper. Rather, the Court is legally bound to read between the lines, subject the allegations to a thorough scrutiny and assess whether there is any genuine grain of truth or whether the individual has been roped in solely to face a criminal charge out of ulterior motives.

24. Allowing the trial to continue under these circumstances, where the

chargesheet completely fails to supply a reliable or legally sound basis for the prosecution, would turn the judicial process into an instrument of oppression, running directly contrary to the mandate of the Hon'ble Supreme Court and would be an abuse of law.

25. In view thereof, the Petition is allowed in terms of prayer clause (A), which reads as follows:-

"(a) That this Hon'ble Court, in the exercise of its Writ Jurisdiction under Article 226 of the Constitution of India and its inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), be pleased to quash and set aside F.I.R. No. 8/2025 dated 13/03/2025 registered by the Cyber Crime Police Station, Ribandar, and the subsequent Chargesheet No. 4/2025 (pending as Sessions Case No. 65/2025 before the Hon'ble Sessions Court at Mercas), insofar as they relate to the petitioner Accused No. 2, Mr. Talaniti Nulaxi.."

26. The **Rule is made absolute** in the above terms, and the **Petition stands disposed** of.

27. No order as to Costs.

28. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.