

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.121 of 2015

* Hemant s/o Ulhas Hasnale,)
Age 30 years,)
Occupation: Education,)
R/o Nutan Paper Mart,)
Near Chitra Talkies,)
Dadar East, Mumbai,)
District Mumbai.) **.. Applicant.**

Versus

1) The State of Maharashtra,)
Through Police Station)
Jawaharnagar, Aurangabad,)
District Aurangabad.)
)
2) The Commissioner of Police,)
Aurangabad,)
District Aurangabad.)
)
3) Maya d/o Marotirao Jadhav,)
Age 27 years,)
Occupation : Private Service,)
R/o Flat No.80, First Floor,)
New Balaji Nagar,)
Aurangabad,)
District Aurangabad.) **.. Respondents.**

Shri. R.R. Imale, Advocate, and Shri. H.C. Puse, Advocate,
for applicant.

Shri. S.B. Pulkundwar, Additional Public Prosecutor, for
respondent Nos.1 and 2.

Respondent No.3 - served.

**CORAM: T.V. NALAWADE &
Smt. I.K. JAIN, JJ.**

DATE : 25th MARCH 2015

JUDGMENT:

1) Rule. Rule made returnable forthwith. Heard both the sides by consent for final disposal.

2) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of First Information Report of Crime No.I-289/2014 registered in Jawaharnagar Police Station Aurangabad for offences punishable under sections 420, 376, 417, 34 of the Indian Penal Code to the extent of the applicant.

3) The crime is registered on the basis of report given by one Maya Jadhav. It is her case that on 1-4-2014 at about 3.00 p.m. one Ashwin Hasnale, brother of the applicant, and his father Ulhas Hasnale came to their house from Mumbai and there was talk for settlement of marriage of Ashwin with Maya. On the same day they informed that they had approved Maya for the marriage with Ashwin. On 7-4-2014 the complainant, her sister and

parents went to the residential places of Ashwin and his parents from Mumbai and Pune and they also gave their consent for the marriage. It is contended that on 15-6-2014 at the residential place of the complainant, the engagement ceremony took place which was attended by applicant, his parents and his sister Priya and other relatives. It is contended that on the same day, the date of marriage was fixed as 3-12-2014.

4) It is the case of the complainant that on 10-8-2014 when she went to Pune to see Ashwin, Ashwin took her to a temple where they garlanded each other and then Ashwin said that he had married with her and so they can live as husband and wife. It is contended that on that day by saying that he would marry in the presence of others, also he took sexual intercourse with her. She has contended that on many other occasions Ashwin took sexual intercourse with her.

5) It is the case of the complainant that she realised after 7-11-2014 that Ashwin was avoiding her. It is her case that as per the date fixed of the marriage

invitation cards were got printed and they were distributed by them. It is her case that on the date of marriage they all gathered in Tirumala Mangal Karyalaya from Pundlik Road Aurangabad but nobody turned up from the side of the bridegroom and thus Ashwin and his relatives have cheated her.

6) The learned counsel for the applicant, brother of Ashwin has produced some record to show that the applicant was staying in III Year LLB and as per the programme of the examination he was to appear for one paper on the date of the marriage and even on the previous date of the marriage he had appeared for one of the papers. The record is prepared by the University of Mumbai and he appeared for the examination in Mumbai.

7) From the aforesaid contents of the First Information Report it can be said that the main allegations are against Ashwin. It can be said that the allegations against are the parents of Ashwin also. The allegations do not specifically show that present applicant had ever visited the house of the complainant for settlement of the

marriage. In view of these circumstances and the aforesaid record, this Court holds that provision of Section 482 of the Code of Criminal Procedure needs to be used for quashing the FIR filed against present applicant. This Court had allowed the applicant to send notice by registered post acknowledge due to the respondent No.3-complainant and the postal endorsement show that the addressee had left the address. In view of these circumstances hearing was given to the learned counsel for the applicant and the learned Additional Public Prosecutor.

8) In the result, the application is allowed. The First Information Report bearing No.I-289/2014 registered in Jawaharnagar Police Station Aurangabad for offences punishable under sections 420, 376, 417, 34 of the Indian Penal Code to the extent of the present applicant Hemant Ulhas Hasnale is hereby quashed and set aside. Rule is made absolute in aforesaid terms.

Sd/-
(Smt. I.K. JAIN, J.)

Sd/-
(T.V. NALAWADE, J.)

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