

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

CRIMINAL APPLICATION NO. 3590 OF 2012

1. Dr. Dhruvaram Murlidhar Sonar,
Age 36 years, Occ. Medical Officer,
Primary Health Centre, Toranmal,
Dist. Dhadgaon, Dist. Nandurbar.

2. Kishor Murlidhar Sonar,
Age 30 years, Occ. Service,
R/o. At Maliwada Taloda, Tq.
Taloda, Dist. Dhule.

... **Applicants**
(Ori. accused)

VERSUS

1. The State of Maharashtra.

2. The Superintendent of Police,
Nandurbar, Dist. Nandurbar.

3. The Police Sub-Inspector,
Mhasawad Police Station,
Tq. Shahada, Dist. Dhule.

4. Rahel Parshi Choudhari,
Age 37 years, Occ. Service,
at Primary Health Centre Toranmal,
Tq. Dhadgaon, Dist. Nandurbar.

... **Respondents**
(Respondent No. 4 is
original informant)

...

Advocate for Applicants : Mr. N.P. Patil Jamalpurkar.
APP for respondent No. 1/State : Mr. M.M. Nerlikar.

**CORAM : T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 2nd July, 2018.

JUDGMENT (PER K.L. WADANE, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final disposal.
2. This application is filed by the applicants under the provisions of section 482 of the Code Criminal Procedure for relief of quashing of first information report No. 59/2000 registered with Mhasawad police station, District Nandurbar, for the offences punishable under section 376 2(d), 420 read with section 34 of the Indian Penal Code and under section 3(1) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act .
3. On 06.12.2000 the respondent No. 4 lodged the first information report stating that under false assurance of marriage, the applicant No. 1 kept physical relations with her and subsequently refused to marry with her.
4. We have heard the arguments of Mr. Patil-Jamalpurkar, learned counsel, appearing for the applicants, who submits that on bare perusal of the contents of the first information report, no provisions of section 376 of the Indian Penal Code are attracted. He further submits that there are no specific averments in the first information report that the applicant No. 1 had kept relations with respondent No. 4 under the false promise of marriage, therefore, according to learned counsel Mr. Patil, the first information report needs to be quashed and set aside.

5. We have gone through the allegations made in the complaint coupled with the statement of witnesses. On perusal of the same it appears that initially the respondent No. 4 married with one Talvi on 10.04.1988. Her husband Talvi died on 05.11.1997. In the year 1996 applicant No. 1 was serving as Medical Officer in Primary Health Centre at Toranmal and the respondent No. 4 was serving in the same Primary Health Centre as assistant nurse. The applicant No. 1 informed to the respondent No. 4 that there are differences between him and his wife, therefore he is intending to take divorce from her. Accordingly he had shown some documents of divorce to the respondent No. 4. After divorce with first wife, the applicant No. 1 and respondent No. 4 started residing together as husband and wife. Subsequently, the respondent No. 4 insisted the applicant No. 1 to marry. Due to which the applicant No. 1 and respondent No. 4 went to the office of Sub-Registrar on 28.05.1999 for registration of marriage. The applicant No. 1 brought one form and asked the respondent No. 4 to sign. Accordingly, respondent No. 4 signed it. Then applicant No. 1 informed to the respondent No. 4 as their marriage is inter-caste marriage therefore for its registration a period of one month is required. Thereafter they resided at Toranmal as husband and wife. The respondent No. 4 was residing in the government quarter of applicant No. 1. The respondent No. 4 informed to the other office bearers about her marriage with applicant No. 1.

6. It further appears from the record that on 14.04.2000 the respondent No. 4 insisted for registration of marriage to applicant No. 1. At that time she came to know that applicant No. 1 already married on 16.04.2000 with a girl from his community. It is further alleged that false record is created about the registration of the marriage of respondent No. 4 with brother of applicant No. 1 i.e. applicant No. 2. After realization of the above facts complainant feels that she was cheated by the applicant No. 1 under false assurance of marriage and thereby applicant No. 1 kept physical relations with her.

7. So from the contents of the first information report itself it is very much clear that the present applicant No. 1 has kept illicit relations with respondent No. 4 under the assurance of marriage. Not only this, it is prima-facie appears that the applicant No.1 has made some drama for registration of marriage in the Sub-Registrar Office. Further from the statement of witnesses it appears that the respondent No. 4 inform this fact of marriage to other witnesses who were serving with her in the Primary Health Centre.

8. From the contents of the first information report prima-facie it cannot be said that the allegations in the first information report are groundless. Thus, in view of the above, there is no merit in the application, therefore, it is liable to be rejected. Accordingly, it is rejected. Interim relief granted earlier is vacated.

9. After pronouncement of the order Mr. Patil, learned counsel for applicants submits that interim relief granted earlier be continued for some period. Request is rejected.
10. Criminal application is rejected. Rule is discharged.

(K. L. WADANE, J.)

(T.V.NALAWADE, J.)

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