

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 3255 OF 2015

Adv. Gauravbhai S/o. Dasubhai Valvi,
Age: 34 years, Occupation: Advocate /
Legal Profession,
Resident of:- Kaliambo, Tal.: Nizar,
Dist.: Tapi, State:- Gujarat.

... **APPLICANT**

VERSUS

1. The State of Maharashtra,
At the instance of,
City Police Station, Nandurbar,
Tal. & Dist.: Nandurbar, Maharashtra.
2. Sou. Pushpa w/o. Vishal Gardi,
Age: 32 years, Occupation: Housewife,
Resident of, Gurukul Nagar 1,
Plot No.14(A), Nandurbar,
Tq.: & Dist.: Nandurbar (Maharashtra)

... **RESPONDENTS**

...
Mr. A. D. Ostwal, Advocate for Applicant.
Mrs. P. V. Diggikar, APP for Respondent No.1 / State.
Mr. U. U. Wagh, Advocate for Respondent No.2.

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

DATE : 31st July, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.2 of 2015, registered with City Police Station, Nandurbar, for the offences punishable under Sections 420, 406, 494, 109, 498-A, 323, 504, 506 and 34 of the Indian Penal Code. The crime is registered on the basis of report given by Respondent Smt. Pushpa. The present Applicant is said to be a friend of the husband of first informant.

2 In FIR, allegations are made mainly against the husband and his close relatives that the husband and his relatives had given ill-treatment to the first informant and they had taken away her ornaments and there was also demand of money as dowry amount. It is contended that the husband deserted the first informant on 22nd December, 2012 and he married another woman on 5th December, 2014. It is her contention that the record of marriage was sent by the husband to her on 29th December, 2014. It is her contention that the present Applicant, Accused No.4, had helped the husband for solemnizing the second marriage and he was present when the second marriage was registered.

3 Copy of the judgment delivered in R.C.C. No.208 of 2015 is produced and it shows that in the present crime, charge-sheet was filed against the husband and his close relatives and they came to be acquitted on 27th May, 2016. Though the acquittal was for the offence punishable under Section 494 of the Indian Penal Code also, it can be said that for taking cognizance of such offence, it was necessary for the aggrieved party to file private complaint as provided in Section 195 of the Code of Criminal Procedure. In any case, the allegations are vague and they do not constitute the offence of abetment of second marriage of the husband. This Court holds that nothing can be achieved if the case is filed and tried against the present Applicant, who is an Advocate. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (c).
- III. Rule is made absolute in those terms.

[K. L. WADANE, J.]

[T. V. NALAWADE, J.]