

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2380 OF 2019

1. Rahul Bhagwantrao Nirbhavne
Age 57 years, Occu. Service,
2. Ujwala Rahul Nirbhavne,
Age 48 years, Occu. Household,
Applicant No. 1 & 2
R/o. N-9, MG1/25-1, Audumbar
Stop, New CIDCO, Nashik.
3. Ratnabai Baburao Kale,
Age 75 years, Occu. Household,
R/o. Indiranagar, Nashik Road,
Tq. & Dist. Nashik.
4. Sneha Sambhaji Chavan
Age 48 years, Occu. Household,
R/o. Govindnagar, Nashik,
Tq. & Dist. Nashik.
5. Rupali Sushant Ghaytadake,
Age 36 years, Occu. Service,
R/o. 704, Mahatma Phule Society,
Marathi Vidyalaya Marg,
Mulund (E), Mumbai.
6. Tejas Rahul Nirbhavne,
Age 28 years, Occu. Agri.,
R/o. N-9, MG1/25-1, Audumbar
Stop, New CIDCO, Nashik,
Tq. & Dist. Nashik.
7. Sushant Madhukar Ghaytadake,
Age 36 years, Occu. Service,
R/o. 704, Mahatma Phule Society,
Marathi Vidyalaya Marg,
Mulund (E), Mumbai.
8. Simran @ Deepali Abhishek Jena,
Age 31 years, Occu. Service,
9. Abhishek Bhaskar Jena,
Age 40 years, Occu. Service,

Applicant No. 8 & 9
R/o. C-504, Satyamev Vista
S.G. Highway, Gota
Ahmadabad, Gujarat.

....Applicants.

Versus

1. State of Maharashtra
Through Investigating Officer,
Dhule City Police Station,
Dhule, Tq. & Dist. Dhule.
2. Devendra Kisan Bansode,
Age 50 years, Occu. Labour,
R/o. Bhimnagar, Sakri Road,
Tq. & Dist. Dhule.

....Respondents.

Mr. P.V. Barde, Advocate for applicants.

Mrs. V.S. Choudhari, APP for respondent No. 1/State.

Mr. U.B. Anjanwatikar, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.**
DATED : 30/09/2019.

ORAL JUDGMENT : [PER T.V. NALAWADE, J.]

1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) The proceeding is filed for relief of quashing of F.I.R. No. 188/2019 registered with Dhule City Police Station for offences punishable under sections 420, 406, 418, 500, 506, 108 r/w. 34 of Indian Penal Code. The crime is registered on the basis of report given by father of bride. The marriage between the daughter of

informant and applicant No. 6 was settled and it was to be arranged marriage. After approval of the bride, there was talk about giving of dowry etc. The items on which the expenditure was to be incurred by both sides were decided. On 20.1.2019 the engagement ceremony took place and the expenditure of the ceremony was born by the side of bride. After the engagement ceremony, the bridegroom used to talk with bride. As there was the birthday of son of elder sister of bridegroom, the bridegroom had taken the bride to Gujrat by plane and there she had stayed with his family for about 2-3 days. First time talk was opened about the other things which were to be given by the side of bride during marriage which included gold ornaments. Then dispute was started about the expenses of purchasing the clothes to be used during marriage by the bride and the bridegroom. The informant had already agreed to give Rs.1,00,000/- for purchasing the clothes, but that was not acceptable to the side of bridegroom. Then the demand of amount of Rs.5,00,000/- was raised by the side of bridegroom. The informant expressed inability to give such amount and the informant transferred the amount of Rs.1,10,000/- in the account of relative of the bridegroom. Then under pretext that some amount was to be given for purchasing Saries for bride, the account number was obtained and in that account, the said amount of Rs.1,10,000/- was transferred by the side of bridegroom and they said that they were

not ready to go with the proposed marriage. Even after that till 12.5.2019 the informant and his relatives waited with the hope that the side of bridegroom will change the mind and marriage will take place. But the side of bridegroom refused to go with the proposed marriage and then F.I.R. came to be given on 18.5.2019.

3) The submissions made show that it is not disputed that engagement ceremony was performed and bride was taken to Gujrat by bridegroom and there she had stayed for three days with the family of bridegroom. It is also not disputed that the amount of more than rupees one lakh was transferred in the account of relative of bridegroom as per the settlement. Thus, it is not disputed that the bridegroom refused to marry with the daughter of the informant even when the engagement ceremony had taken place.

4) The submissions made show that applicant Nos. 1 and 2 are parents of applicant No. 6. Applicant No. 6 is bridegroom. Other persons are either the relatives of the bridegroom or the persons who were involved in settling the marriage. In view of nature of allegations made and as in Indian society, it becomes very difficult for bride to convince the others and settle the marriage with other person due to aforesaid circumstances, such instances cannot be taken lightly. Due to aforesaid circumstances, this Court holds that

relief cannot be given to bridegroom and his parents, though the relief can be given to others. In the result, application of applicant Nos. 1, 2 and 6 is dismissed. Application of applicant Nos. 3, 4, 5, 7, 8 and 9 is allowed. Relief is granted to them in terms of prayer clause "B". Rule is made absolute in those terms.

[K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/