

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.546 OF 2021

Mr.Siddharth s/o Sukhdevrao Nagale and ors

..VS..

State of Mah., thr.PS Office Morshi, Amravati and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Mr.A.A.Mardikar, Counsel for the Applicants.

Mr.S.I.Gatte, Counsel for Non-applicant 2.

Mr.M.J.Khan, Additional Public Prosecutor for Non-applicant 1/State.

CORAM : ROHIT B.DEO & URMILA JOSHI-PHALKE, JJ.

DATED : 17/10/2022

1. The applicants are invoking jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 seeking quashment of the charge-sheet submitted in the Court of learned Judicial Magistrate First Class, Morshi, which is registered as SCC 825/2022.

2. We have heard learned counsel Mr.A.A.Mardikar for the applicants at length.

3. The attempt of learned counsel Mr.A.A.Mardikar is to demonstrate that at no point of time did the applicants break the engagement as is alleged and that the charge that the applicants demanded dowry, that non-applicant 2 could not fulfill the demand, and, therefore, the applicants did not go ahead with the marriage, is factually incorrect.

4. Perusal of the charge-sheet reveals that the family of applicant 1 interacted with the brother of non-applicant 2 and

finalized the matrimonial alliance between applicant 1 and non-applicant 2. The applicants did not insist on any particular dowry, as on the date of the final talk. However, after the engagement ceremony on 8.3.2021, and there is sufficient material on record to substantiate that there was indeed an engagement ceremony, the applicants started demanding dowry. The financial status of non-applicant 2 made it impossible to fulfill unreasonable expectations of the applicants *inter alia* that non-applicant 2 shall, in addition to gold purchased by brother of non-applicant 2, purchase Honda Unicorn Motorcycle and further pay certain cash amount. The case of the prosecution is that in view of the inability of non-applicant 2 to fulfill the demands, the applicants did not turn up for the marriage scheduled on 20.5.2021.

5. Perusal of the charge-sheet reveals that there is ample material on record, *inter alia* statements of witnesses, which establish the case for proceeding further. We are not inclined to give any weightage to the circulars or notifications issued by the State Government, which the learned counsel for the applicants wishes to place on record to show that it was due to the pandemic and the restrictions on the number of guests etc. that the applicants could not go ahead with the marriage. We see no material in the charge-sheet to that effect. In any event, in exercise of powers under Section 482 of the Code of Criminal Procedure, it would not be permissible to evaluate the evidence microscopically much less the defence. We are not expected to conduct a mini trial. We do not see any broad

infirmities in the case of the prosecution as would warrant nipping the prosecution in the bud.

6. The application is dismissed.

(URMILA JOSHI-PHALKE, J.) (ROHIT B.DEO , J.)

!! BrWankhede !!

BHUSHAN
RANA
WANKHEDE

Digitally signed
by BHUSHAN
RANA
WANKHEDE
Date: 2022.10.18
10:50:45 +0530