

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

**CRIMINAL APPLICATION NO.2067 OF 2022**

Chetan @ Gajanan s/o Subhash Chouke  
Age : 25 years, Occu: Student,  
R/o. Village Takali Jahangir,  
Taluka and District Amravati

**... APPLICANT**

**VERSUS**

1. The State of Maharashtra  
through Vimantal Police Station, Nanded
2. Sayli w/o Mahesh Wankede  
Age : 31 years, Occu: Household  
R/o. Bramhasingh Nagar, Nanded

**... RESPONDENTS**

...  
Advocate for Applicant : Mr. Swapnil Joshi i/b. Mr. J.P. Legal Associates  
APP for Respondent/State : Mr. R.V. Dasalkar  
Advocate for Respondent No.2 : Mr. G.G. Kadam  
...

**CORAM : MANGESH S. PATIL &  
ABHAY S. WAGHWASE, JJ.**

**DATE : 03.04.2023**

**PER COURT :**

By resorting to the provision of Section 482 of the Code of Criminal Procedure the applicant is seeking quashment of crime registered pursuant to the FIR No.52/2022 of Vimantal Police Station, Nanded for the offence punishable under Section 385 and 387 of the Indian Penal Code.

2. The learned advocate for the applicant would submit that the applicant was in an adulterous relation with the respondent No.2 and is now being falsely roped in because of the FIR lodged by him wherein he

specifically alleged about having been abducted. He would submit that after the respondent No.2 got married, he has been falsely implicated by lodging several non-cognizable reports and it is only after he complained of abduction that as a counter blast the present FIR has been registered. It would be abuse of the process of court if the applicant is allowed to face the prosecution in such peculiar circumstances.

3. The learned advocate for the applicant would further submit that on similar complaint regarding alleged incident of 21.01.2022 wherein respondent No.2 had reported about the applicant having demanded money by threatening that her photos would be circulated, a non-cognizable report was registered. It was imperative for the police to undertake an investigation if they were to register it as a non-cognizable case, with the permission of the Magistrate. No such procedure was followed and again a similar complaint was entertained and the offence in question has been registered barely within 4 to 5 days which demonstrates that the respondent No.2 and her husband have been using the police machinery.

4. The learned APP and the learned advocate for the respondent No.2 would submit that there is nothing on the record to demonstrate that the allegations are false or concocted. The respondent No.2 has specifically alleged about the applicant having tried to extort money by putting her under the fear of circulating the images which he has of her's in an objectionable condition. The Investigating machinery deserves to be extended a fair opportunity to undertake the investigation. Voice samples

obtained from the applicant have been forwarded for scientific analysis in view of the transcript of the conversation which *ex facie* demonstrate that he was demanding money and even threatening to circulate the images.

5. As has been laid down in catena of matters, the powers of this Court under Section 482 of Code of Criminal Procedure are limited. Those are to be used sparingly and in rarest of rare cases. A mini trial is not contemplated at this stage more so when the investigation is going on.

6. The papers of the investigation contain a transcript stated to be of a conversation between the applicant and the respondent No.2. It is not cryptic. There are deliberations and discussions wherein *ex facie* the applicant has been demanding money and has even threatened of circulating the images which he possessed. For us, this is more than enough to reveals ingredients for constituting extortion. The matter has also been referred to the expert for matching the voice of the applicant. There is nothing for us for the time being to disbelieve this transcript which lends support to the allegations of the respondent No.2

7. It does appear that there is lot of bad blood between the applicant and the respondent No.2, albeit, at some point of time the relations were affectionate and had advanced to a great extent.

8. We are not concerned with the allegations and the counter allegations. Merely because there are number of non-cognizable reports filed by the respondent No.2 and merely because the present FIR has been lodged after the applicant complained about abduction on the basis of which

a separate offence has been registered, we cannot *ipso facto* reach to a conclusion that the present FIR is false and concocted.

9. As is mentioned earlier the matter is at the stage of investigation and the transcript discussed herein above clearly makes out the case of extortion.

10. The application is rejected.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)